

GUILDFORD BOROUGH COUNCIL



**MIAH
MAYOR**

Contact Officer:

John Armstrong,
Democratic Services and Elections Manager
Tel: 01483 444102

15 January 2024

To the Councillors of Guildford Borough Council

You are hereby summoned to attend an extraordinary meeting of the Council for the Borough of Guildford to be held in the **Council Chamber, Millmead House, Millmead, Guildford, Surrey GU2 4BB** on **TUESDAY, 23 JANUARY 2024** commencing at 7.00 pm.

Tom Horwood
Chief Executive

Millmead House
Millmead
Guildford
Surrey GU2 4BB

www.guildford.gov.uk

WEBCASTING NOTICE

This meeting will be recorded for live and/or subsequent broadcast on the Council's website in accordance with the Council's capacity in performing a task in the public interest and in line with the Openness of Local Government Bodies Regulations 2014. The whole of the meeting will be recorded, except where there are confidential or exempt items, and the footage will be on the website for six months.

If you have any queries regarding webcasting of meetings, please contact Democratic Services.

THE COUNCIL'S STRATEGIC FRAMEWORK (2021- 2025)

Our Vision:

A green, thriving town and villages where people have the homes they need, access to quality employment, with strong and safe communities that come together to support those needing help.

Our Mission:

A trusted, efficient, innovative, and transparent Council that listens and responds quickly to the needs of our community.

Our Values:

- We will put the interests of our community first.
- We will listen to the views of residents and be open and accountable in our decision-making.
- We will deliver excellent customer service.
- We will spend money carefully and deliver good value for money services.
- We will put the environment at the heart of our actions and decisions to deliver on our commitment to the climate change emergency.
- We will support the most vulnerable members of our community as we believe that every person matters.
- We will support our local economy.
- We will work constructively with other councils, partners, businesses, and communities to achieve the best outcomes for all.
- We will ensure that our councillors and staff uphold the highest standards of conduct.

Our strategic priorities:

Homes and Jobs

- Revive Guildford town centre to unlock its full potential
- Provide and facilitate housing that people can afford
- Create employment opportunities through regeneration
- Support high quality development of strategic sites
- Support our business community and attract new inward investment
- Maximise opportunities for digital infrastructure improvements and smart places technology

Environment

- Provide leadership in our own operations by reducing carbon emissions, energy consumption and waste
- Engage with residents and businesses to encourage them to act in more environmentally sustainable ways through their waste, travel, and energy choices
- Work with partners to make travel more sustainable and reduce congestion
- Make every effort to protect and enhance our biodiversity and natural environment.

Community

- Tackling inequality in our communities
- Work with communities to support those in need
- Support the unemployed back into the workplace and facilitate opportunities for residents to enhance their skills
- Prevent homelessness and rough-sleeping in the borough

Time limits on speeches at full Council meetings:	
Public speaker:	3 minutes
Response to public speaker:	3 minutes
Questions from councillors:	3 minutes
Response to questions from councillors:	3 minutes
Proposer of a motion:	10 minutes
Seconder of a motion:	5 minutes
Other councillors speaking during the debate on a motion:	5 minutes
Proposer of a motion's right of reply at the end of the debate on the motion:	10 minutes
Proposer of an amendment:	5 minutes
Seconder of an amendment:	5 minutes
Other councillors speaking during the debate on an amendment:	5 minutes
Proposer of a motion's right of reply at the end of the debate on an amendment:	5 minutes
Proposer of an amendment's right of reply at the end of the debate on an amendment:	5 minutes

AGENDA

- 1. APOLOGIES FOR ABSENCE**
- 2. DISCLOSURES OF INTEREST**

To receive and note any disclosable pecuniary interests from councillors. In accordance with the local Code of Conduct, a councillor is required to disclose at the meeting any disclosable pecuniary interest (DPI) that they may have in respect of any matter for consideration on this agenda. Any councillor with a DPI must not participate in any discussion or vote regarding that matter and they must also withdraw from the meeting immediately before consideration of the matter.

If that DPI has not been registered, the councillor must notify the Monitoring Officer of the details of the DPI within 28 days of the date of the meeting.

Councillors are further invited to disclose any non-pecuniary interest which may be relevant to any matter on this agenda, in the interests of transparency, and to confirm that it will not affect their objectivity in relation to that matter.

- 3. MINUTES (Pages 7 - 32)**

To confirm the minutes of the ordinary meeting of the Council held on 5 December 2023, and the extraordinary meeting held on 19 December 2023.

4. MAYOR'S COMMUNICATIONS

To receive any communications or announcements from the Mayor.

5. LEADER'S COMMUNICATIONS

To receive any communications or announcements from the Leader of the Council.

6. PUBLIC PARTICIPATION

To receive questions or statements from the public. As this is an extraordinary meeting, any questions or statements must relate only to the business for which the meeting has been convened. Details of any questions (including a written response to them) or requests to make statements received from the public will be set out in the Order Paper which will be published on the day of the meeting.

7. QUESTIONS FROM COUNCILLORS

Details of any questions from councillors (including a written response to them) will be set out in the Order Paper which will be published on the day of the meeting. As this is an extraordinary meeting, questions must relate only to the business for which the meeting has been convened.

8. GBC/WBC JOINT GOVERNANCE COMMITTEE - TERMS OF REFERENCE (Pages 33 - 46)

9. REVIEW OF THE CONSTITUTION: OFFICER EMPLOYMENT PROCEDURE RULES (Pages 47 - 82)

10. AMENDMENTS TO THE GUILDFORD BOROUGH COUNCIL AND WAVERLEY BOROUGH COUNCIL PRE-ELECTION PUBLICITY & DECISION-MAKING POLICY (Pages 83 - 108)

11. GUILDFORD BOROUGH COUNCIL AND WAVERLEY BOROUGH COUNCIL MONITORING OFFICER PROTOCOL (Pages 109 - 124)

12. SELECTION OF MAYOR AND DEPUTY MAYOR 2024-25 (Pages 125 - 128)

13. APPOINTMENT OF INTERIM JOINT CHIEF EXECUTIVE/HEAD OF PAID SERVICE (Pages 129 - 134)

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GUILDFORD BOROUGH COUNCIL

Minutes of a meeting of Guildford Borough Council held in the Council Chamber, Millmead House, Millmead, Guildford, Surrey, on Tuesday 5 December 2023

* The Mayor, Councillor Masuk Miah

* The Deputy Mayor, Councillor Sallie Barker MBE

- | | |
|--------------------------------|----------------------------------|
| * Councillor Bilal Akhtar | * Councillor Steven Lee |
| * Councillor Phil Bellamy | * Councillor Sandy Lowry |
| * Councillor Dawn Bennett | * Councillor Richard Lucas |
| * Councillor Joss Bigmore | * Councillor Julia McShane |
| * Councillor David Bilbe | * Councillor Richard Mills OBE |
| * Councillor Honor Brooker | * Councillor Carla Morson |
| Councillor James Brooker | * Councillor Danielle Newson |
| * Councillor Philip Brooker | * Councillor Patrick Oven |
| * Councillor Ruth Brothwell | * Councillor George Potter |
| * Councillor Yves de Contades | * Councillor Maddy Redpath |
| * Councillor Amanda Creese | * Councillor Merel Rehorst-Smith |
| * Councillor Geoff Davis | Councillor David Shaw |
| * Councillor Jason Fenwick | * Councillor Joanne Shaw |
| Councillor Matt Furniss | * Councillor Katie Steel |
| * Councillor Angela Goodwin | * Councillor Howard Smith |
| * Councillor Lizzie Griffiths | * Councillor Cait Taylor |
| * Councillor Gillian Harwood | * Councillor Jane Tyson |
| * Councillor Stephen Hives | * Councillor James Walsh |
| * Councillor Catherine Houston | * Councillor Fiona White |
| * Councillor Tom Hunt | * Councillor Dominique Williams |
| * Councillor Bob Hughes | * Councillor Keith Witham |
| * Councillor James Jones | Councillor Sue Wyeth-Price |
| * Councillor Vanessa King | Councillor Catherine Young |

*Present

Honorary Freeman Keith Churchouse was also in attendance.

CO66 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Matt Furniss, Sue Wyeth-Price, and Catherine Young; and from Honorary Aldermen Catherine Cobley, Jayne Marks, Tony Phillips, and Lynda Strudwick.

CO67 DISCLOSURES OF INTEREST

There were no disclosures of interest.

CO68 MINUTES

The minutes of the meeting of the Council held on 10 October 2023 were approved as a correct record. The Mayor signed the minutes.

CO69 MAYOR'S COMMUNICATIONS

The Mayor and the Council welcomed Councillor Fiona White back to the Chamber, following her recent injury.

The Mayor thanked councillors, Honorary Freeman and Aldermen, and others who responded to his appeal for poppy sellers for this year's Royal British Legion Poppy Appeal, and was pleased to announce that the poppy sellers collected over £18,000 in central Guildford. The Mayor particularly thanked local Poppy Appeal coordinator, Mr Danny Skillman for dedicating his time to organise the collections.

Following the collection, Guildford's Remembrance events on Armistice Day and Remembrance Sunday had been well attended, and the Mayor was honoured to join others in Remembrance and laid a wreath at the War Memorial on behalf of the people of Guildford.

The Mayor was very pleased and enjoyed meeting everyone who turned out to celebrate the start of Christmas in Guildford at the Festive Fun Day, and thanked all those involved in delivering such a fun, and free day out for all the family.

The Mayor was delighted to announce that his last fund raising event, which was the charity night at The Shahin restaurant had sold out, and was likely to raise over £1,000 for his chosen charity The Fountain Centre, and the Mayor's Local Support Fund.

The Mayor announced that over £1,000 had been collected recently for The Fountain Centre from the audience attending a concert given by "From The Jam" at G Live, and thanked everyone who donated on the night, for their kindness and generosity.

With Christmas fast approaching, the Mayor was delighted to be joined by British Sign Language Interpreter Sammil Villabon, as he recorded a short Christmas message.

CO70 LEADER'S COMMUNICATIONS

Termination of Housing Maintenance Contracts

The Leader reminded the Council that, at the last meeting, a new procedure was agreed in connection with reporting matters where key decisions had to be taken under the special urgency provisions set out in Access to Information Procedure Rule 16. Whereas these used to be reported to the Council annually in the Overview and Scrutiny Committee Annual Report, details of those decisions were now reported to Council by the Leader at the next ordinary meeting of the Council.

In early November, the special urgency provisions had to be used to enable an urgent decision to be taken by the Strategic Director Community Wellbeing to terminate two housing maintenance contracts as a result of the housing investigation which had flagged that they had been significantly overspent. Although, the Public Contract Regulations 2015 provided for modifications of contracts without the need for a new procurement in certain circumstances, none of those provision applied to these particular contracts, and it was therefore necessary for them to be terminated both in accordance with the Regulations and to protect the Council's position. Given the value of the contracts, the decision to terminate had been a key decision, notice of which should have been published on the Forward Plan at least 28 days prior to the decision being made.

However, action needed to be taken with immediate effect, so the urgency provisions were utilised which involved obtaining the consent of the Chairman of the Overview and Scrutiny Committee before the decision was taken.

Memorial Christmas Trees

The bereavement service now had its memorial Christmas trees at the crematorium until 6 January for any bereaved families that would like to place a tag on a tree.

Guildford Design Awards 2023

The Leader was very pleased to report that the Council had won two awards at this year's Guildford Design Awards, one for Walnut Bridge and another for the Guildhall restoration. These awards recognised and rewarded excellence in architecture, urban design, planning and public art across the borough.

Housing Update

The Council had recently held two drop-in sessions for housing tenants, one in Ripley and one at The Hive, which had been led by the Executive Head of Community Services, Sam Hutchison.

If anyone was unable to attend these sessions, any thoughts, ideas, concerns or questions could still be sent to the Tenant Engagement Panel:

Chair.TEG@hotmail.com

Review of Local Plan

On 4 December 2023, the Joint Executive Advisory Board had discussed what a review of the Local Plan (Strategy and Sites) 2019 would cover, which had to be undertaken at least every five years.

A report to Full Council on the matter was scheduled for February 2024. If Full Council agreed to update the Local Plan, a timetable, budget, and actions would be prepared before proceeding. The existing Local Plan would remain in place whilst this process was ongoing.

Guildford Lido update

Works were continuing by Freedom Leisure's appointed contractors to investigate and resolve the leaks. Updates on progress with the works would be posted on [Freedom Leisure's website](#) and social media channels.

North Street update

The Leader informed the Council that the Section 106 Agreement associated with the St Edward Homes' plans for the mixed-use redevelopment of North Street had been completed and the planning permission approved by the Planning Committee in October 2023 had been issued on 4 December 2023.

As a result, the planning appeal of the application refused in January 2023 (22/P/01336) had now been formally withdrawn and the public inquiry scheduled to start on 7 December 2023 had been cancelled.

In response to a question, the Leader agreed that the entire planning team, and particularly the Executive Head of Planning, deserved this Council's and the community's thanks in helping to avoid the potential cost of an appeal.

CO71 PUBLIC PARTICIPATION

There were no questions or statements from the public.

CO72 QUESTIONS FROM COUNCILLORS

(a) Councillor Philip Brooker asked the Lead Councillor for Finance and Property, Councillor Richard Lucas, and the Lead Councillor for Housing, Councillor Julia McShane, the question below. (The Lead Councillors' response to each element of the question is set out in **red type** below).

“In relation to the stated overspend on housing maintenance contracts since 2021, Group Leaders were given a briefing on 15 September 2023 and Councillors a briefing on 21 September 2023. At both these meetings, the global sums of money involved were confidentially reported, and at both meetings these figures remained constant. Importantly, the sums reported were stated to have been spent i.e., transferred from a GBC bank account to a recipient’s bank account.

At the Corporate Governance and Standards Committee held on 16 November 2023 the Housing Revenue Final Accounts 2022-23 were reviewed and recommended to be noted by the Executive. During the discussions leading up to the vote, councillors asked whether the figures in the report were “factual” or some form of “provision” and were told that they were factual. Figures in the report for Responsive and Planned Maintenance showed expenditure over budget of £2.1M. This figure is considerably smaller than the figures of overspend briefed to councillors at the above September meetings.

Therefore:

- (i) Are both the figures reported at the above September meetings and in the Housing revenue Final Accounts 2022-23 accurate? (Accepting that the September meetings were stated in “rounded” millions).*

The figures reported at both meetings were accurate and relate to both Revenue and Capital expenditure on Responsive and Planned Maintenance. The overspend on revenue was £2.101m as stated. The capital R&M expenditure for 2022-23 was £20.314m against a budget of £24.5m. The “overspend” reported in September was on the housing maintenance contract in place, not against the approved budget.

- (ii) If the figures have altered, when will councillors be confidentially briefed on the new figures?*

The figures have not altered.

- (iii) Where has the difference between the figures (original or altered) been accounted for in GBC accounts? And if not in the HRA accounts, why not?”*

Expenditure is included in either the HRA capital account or HRA revenue accounts.

In response to a supplementary question which sought confirmation of the budgetary provision that was made for the housing maintenance contract and

the payments actually made against it, and also whether the contract covered more than one accounting period and more than one budget, the Leader indicated that she would come back to Councillor Brooker in respect of his supplementary question.

(b) Councillor Richard Mills OBE asked the Lead Councillor for Regeneration, Councillor Tom Hunt the question below. (The Lead Councillor's response to each element of the question is set out in **red type** below).

"The Executive's decision not to support further funding for work on the Town Centre Master Plan ('Shaping Guildford's Future') makes it important to ensure that the Council is able to take account of any results and lessons from the work already undertaken when further addressing the urgent strategic policy needs of the Town Centre.

Accordingly, will the Executive Portfolio Holder for Regeneration clarify the following in respect of the final phase (Phase 3) of the programme, which was approved by the Executive on 22 September 2022 and is due for completion at the end of this month:

(i) how much of the £3.1 million expenditure then approved (over and above the £2.359m committed to earlier phases) has been spent up to the latest available date?

None – ongoing activity has been funded through the Empty Homes Fund grant that was secured from Surrey County Council. This has financed GBC's contribution to the Environment Agency's work on the Flood Alleviation Scheme (FAS) and supporting consultancy activity commissioned by the Council. To date £444,550 grant has been claimed with £117,450 outstanding.

(ii) what if any under-spend or over-spend is projected on this phase of the project?

None – a revised scope and budget for Shaping Guildford's Future will be brought forward in the coming months as part of the Council's Budget update. This will reflect the Council's current financial position balanced with the Executive's commitment to the aspirations of the work undertaken to date.

(iii) how much of the expenditure was for external consultants?

Of the £444,550 grant claimed to date, £49,550 has been for external consultant support. The remaining £395,000 comprises the Council's contribution to the FAS work being led by the Environment Agency.

- (iv) *in respect of the deliverables from the work, whether the conditional in principle agreements with the Courts Service, Police, National Trust, Legal and General, Odeon, Royal Mail and others specified in the approved report and due for completion by the end of June this year are now complete?*

The Council had held early discussions with the Parties referenced and the intention of the next phase of work was to move towards agreed Heads of Terms over the 12-month period. This has not progressed due to the work on the programme being paused.

- (v) *whether the 'Strategic Transport Update Report – Principles and Strategies as agreed with SCC', due in July this year, has been completed and issued and what further consultations with SCC on the programme have taken place?"*

No – this has not been completed as work has been paused due to the £3.1m capital funding allocation being ineligible for spend on revenue activity. However, work has been ongoing with SCC to progress feasibility work on the Local Cycling and Walking Infrastructure Plan which complements work undertaken to date on SGF transport.

A briefing for all Councillors will be held in the New Year, outlining the work that has been completed to date on Shaping Guildford's Future and the continuing scope of work on the Flood Alleviation Scheme that the Council is supporting the Environment Agency with.

Councillor Mills indicated that he had a number of further questions covering a range of issues in respect of this matter which he would like to put to the Deputy Leader outside of this meeting. The Deputy Leader responded by welcoming Councillor Mills' questions and gave assurance that a report on Shaping Guildford's Future would be coming back in the New Year.

- (c) **Councillor Philip Brooker** asked the Leader of the Council, Councillor Julia McShane and the Lead Councillor for Finance and Property, Councillor Richard Lucas, the question below. (The Leader/Lead Councillor's response to each element of the question is set out in **red type** below).

“At the Executive Meeting on 23rd November 2023 it was noted that the joint Waverley and Guildford Management Teams had already made savings in costs of nearly £900,000 and anticipated further savings and efficiencies over time.

- (i) *Was the £900,000 saving direct costs i.e. salaries plus costs of employment exclusively? If not, what other savings were included in this sum?*

This was reported to Full Council in March 2023. The figure of £861,000 across the partnership is the comparison of the Joint Management Team’s annual cost with the combined annual cost of the two former management teams. It comprises full employment costs to the councils at that point. In addition to that £861,000 recurring annually, there have been 5 temporary staff-sharing arrangements agreed under the Section 113 delegations, which result in further savings to the partnership of £172,800, which will not recur annually as they are temporary, but start to indicate that there will be future scope for significant savings.

- (ii) *Has a cost-benefit analysis or similar been carried out to assess whether the increasing workload for the individuals concerned had impacted on their efficiency and abilities to provide a level of productivity that had been achieved prior to the collaboration? If so, what did this reveal and if not, why not and when will this be done?*

A cost-benefit analysis has not been undertaken. However, the efficiency and effectiveness of the JMT structure is being kept under review. Whenever a new management structure is put in place it is good practice to monitor its effectiveness, seek feedback from members of the team and others and to look at whether any adjustments might be needed to ensure it is functioning as planned. This is the approach being taken with regards to the Joint Management Team for Guildford and Waverley. The published risk register for the collaboration (which is kept under review by the Waverley and Guildford Joint Governance Committee, comprised of councillors from both authorities) notes this point that the JMT structure will be kept under review. That commitment to keeping the structure under review is just one of a number of ongoing and future mitigating actions to reduce risks relating to the collaboration between the two authorities.

(iii) What are the “anticipated further savings and efficiencies over time”? And of what magnitude of cost saving is this anticipated to be?”

Initial benefits realisation work with the joint Executive Heads of Service has been carried out by the Organisational Development and Finance Teams, with a rough order of magnitude for savings through collaboration projects at £700,000. This is comprised of £200,000 for each authority in 2024/25 and £150,000 for each authority in 2025/26. This figure is expected to increase over time as the detail of more plans is developed and in accordance with the level of investment in Programme Management, Human Resources and Business Transformation to which the two authorities are collectively able to commit.

In response to a supplementary question which sought assurance from the Executive that an impact assessment or risk benefit analysis would be carried out immediately to ensure that rushed decision taking had not resulted in increased costs elsewhere within the Council, the Leader indicated that she would discuss this with the Executive.

CO73 CAPITAL AND INVESTMENT OUTTURN REPORT 2022-23

The Council considered the Capital and Investment Outturn report for 2022-23, which had set out:

- a summary of the economic factors affecting the approved strategy and counterparty updates
- a summary of the approved strategy for 2022-23
- a summary of the treasury management activity for 2022-23
- non-treasury investments
- capital programme
- compliance with the treasury and prudential indicators
- risks and performance
- Minimum Revenue Provision (MRP)
- details of external service providers
- details of training

In total, expenditure on the General Fund capital programme had been £35.4 million against the original budget of £158 million, and a revised budget of £169 million. Details of the revised estimate and actual expenditure in the year for each scheme were set out in Appendix 3 to the report. The budget for Minimum Revenue Provision

(MRP) had been £1.5 million and the outturn was £1.38 million. This was due to slippage in the capital programme in 2021-22.

The Council noted that Officers had reviewed the programme and had determined that there were schemes that were no longer required, that no longer met the original business case or had been removed pending a new business case in light of the Council's ongoing budget deficit. These schemes were detailed in the Financial Recovery Plan within the capital programme workstream. Removing these schemes would reduce the Council's underlying need to borrow for capital purposes and generate a saving to the revenue account in respect of MRP and interest.

The Council's investment property portfolio stood at £178 million at the end of the year. Rental income had been £9.5 million, and income return had been 5.7% against the benchmark of 4.7%.

The Council's cash balances had built up over a number of years, and reflected a strong balance sheet, with considerable revenue and capital reserves in the HRA. Officers carried out the treasury function within the parameters set by the Council each year in the Capital and Investment Strategy. As at 31 March 2023, the Council held £98 million in investments, £295 million in borrowing of which £147 million related to the HRA, £32 million related to the Weyside Urban Village project (WUV), and £115 million was short term borrowing resulting in net debt of £197 million.

The Council had borrowed short-term from other local authorities for cash flow purposes in the year, and had taken out a loan for WUV under the infrastructure rate. This borrowing interest was capitalised to capital schemes using the pooled interest rate of the Council, so whether the Council was borrowing short or long term the borrowing associated with the capital programme expenditure was capitalised against the project and not charged to the General Fund as interest payable.

The report had confirmed that the Council had complied with its prudential indicators, treasury management policy statement and treasury management practices (TMPs) for 2021-22. The policy statement was included and approved annually as part of the Capital and Investment Strategy, and the TMPs were approved under delegated authority.

Interest paid on debt had been lower than budget, due to less long-term borrowing taken out on the General Fund because of slippage in the capital programme. The slippage had resulted in a lower CFR than estimated.

The yield returned on investments had been lower than estimated, but the interest received was higher due to more cash being available to invest in the year – a direct result of the capital programme slippage. Officers had been reporting higher interest receivable and payable and a lower charge for MRP during the year as part of the budget monitoring when reported to councillors during the year.

The report had also been considered by the Corporate Governance and Standards Committee at its meeting on 16 November 2023. The Committee had commended the report to the Executive, subject to a number of comments which were set out in the report to Council. At its meeting on 23 November 2023, the Executive had also considered the report and had commended the report's recommendation to the Council for adoption.

The Lead Councillor for Finance & Property, Councillor Richard Lucas proposed the motion to note the capital and investment outturn report and approve the actual prudential indicators reported for 2022-23, which was seconded by the Leader of the Council, Councillor Julia McShane.

During the debate, the following points were made by councillors:

- The proposed reduction of £96 million from the approved capital programme was money that was never going to be spent.
- The Council's property investments had been performing well. It was also noted how particularly well the light industrial sector in Guildford was performing, and the local economy generally.
- In response to a request, the Leader of the Council agreed to organise a briefing for councillors on North Downs Housing to provide an update on its work and future plans.

Having debated the item, the Council

RESOLVED:

- (1) That the capital and investment outturn report for 2022-23 be noted.
- (2) That the actual prudential indicators reported for 2022-23, as detailed in Appendix 1 to the report submitted to the Council, be approved.

Reasons:

- To comply with the Council's treasury management policy statement, the Chartered Institute of Public Finance and Accountancy (CIPFA) Code of

Practice on treasury management and the CIPFA Prudential Code for Capital Finance in Local Authorities.

- As per the treasury management code although the scrutiny of treasury management (and indeed all finance) has been delegated to the Corporate Governance & Standards Committee ultimate responsibility remains with full Council, this report therefore fulfilled that need.

CO74 MEDIUM TERM FINANCIAL PLAN (MTFP) AND FINANCIAL RECOVERY PLAN - NOVEMBER UPDATE REPORT

The Council received a report setting out an update on the Medium-Term Financial Plan (MTFP) and progress with the Financial Recovery Plan.

Councillors noted that the Council had agreed the 2023-24 budget in February 2023 with a £3.3m shortfall requiring further work to remove this gap, with the fallback position being the deployment of usable reserves.

An updated MTFP position had been presented to full Council on 25 July 2023 which set out the key issues and the position in which the Council was now left. In summary, this had been a remaining in-year deficit of £1.7m and a budget gap of £18.3m over the MTFP period to 2026-27.

A Financial Recovery Plan had been presented to full Council at its extraordinary meeting on 30 August and updated at its last meeting on 10 October. This had set out the immediate and medium-term actions being taken to address both the in-year and medium-term budget gaps.

In October, the Interim s151 officer had concluded that sufficient progress had been made to avoid the need for a s114 report to be issued but that significant work was still required to produce a balanced budget for 2024-25 and beyond.

In addition to providing an update on the MTFP position, potential funding changes, and progress on the Recovery Plan workstreams, the report presented to the Council had also set out the outcome of the review of the Capital Programme. If approved, this would remove £96.6m from the Approved and Provisional Capital programmes which, in turn, would reduce the Council's projected borrowing needs.

The report had also provided a high-level update on the potential remaining budget gap to be addressed and the actions ongoing to address this. The work to date on the Financial Recovery Plan had reduced the July MTFP gap of £18.3m to

£7.3m. Although excellent progress had been made, significant further work was still required to produce a balanced budget for 2024-25.

Prior to their formal consideration of the report, the Interim Section 151 Officer commented the government had issued a policy statement that afternoon regarding the Local Government Funding Settlement, which had set out some of the high-level expectations around council tax and funding for next year. The statement had confirmed that the council tax rise would actually be 2.99% maximum. It had also confirmed a 3% funding guarantee for the Council that there would be another single year allocation of New Homes Bonus and also that the revenue support grant would increase by RPI. All of these were in line with the assumptions in the report.

The Lead Councillor for Finance & Property, Councillor Richard Lucas proposed, and the Leader of the Council, Councillor Julia McShane seconded the adoption of a motion to approve the changes proposed to the Approved and Provisional Capital Programmes described in the report.

The Council noted that the report had also been considered by the Corporate Governance & Standards Committee at its meeting on 16 November 2023. The Committee supported the proposed changes to the Approved and Provisional Capital Programmes, subject to a number of comments which were set out in the report to Council. At its meeting on 23 November 2023, the Executive noted the updated MTFP position and the further work ongoing to produce a balanced budget for 2024-25, and also commended the proposed changes to the Council for adoption.

During the debate, councillors made a number of points, which are summarised as follows:

- There had always been doubts over whether the full capital borrowing programme was ever going to be accomplished, but it was worth noting that the only significant change in the capital programme over the past four years had been the addition of Shaping Guildford's Future.
- Welcome the fact that since July, the Medium-Term Financial Plan deficit had been reduced by £11 million to £7.3 million, which represented huge progress, and had avoided a Section 114 notice.
- It would have been helpful to have provided a calculation of the MRP per project. Whilst the reduction in the capital programme of £96 million was noted, the actual impact on the General Fund position was relatively small at £2.5 million over three years.

- In response to concerns over continuing uncertainty in respect of key projects such as the Council's climate change commitment to be Net Zero by 2030 and the Master Plan, the Leader of the Council reminded councillors that the Lead Councillor for Regeneration had already indicated that there would be a briefing for all councillors in the New Year on Shaping Guildford's Future and was happy to agree that a climate change briefing for councillors should be arranged.

The Council

RESOLVED: That the proposed changes to the Approved and Provisional Capital Programmes set out in Appendix 1 to the report submitted to the Council, be approved.

Reason:

To enable the Council to protect the current level of reserves and to set a balanced budget and a robust Medium-Term Financial Plan.

CO75 REVIEW OF COUNCILLORS' ALLOWANCES 2023

The Council considered the report and recommendations of the Council's Independent Remuneration Panel (IRP) on its recent review of Councillors' Allowances, together with the separate recommendation of the Executive. The Council had appointed the IRP for the purpose of reviewing the existing scheme of allowances, including making recommendations on the types of allowance and amounts to be paid.

The report has also been considered by the Executive, at its meeting on 23 November 2023. The Executive felt that in view of the Council's current financial position, it would not be appropriate to consider any increase in councillors' allowances.

Upon the motion of the Lead Councillor for Finance and Property, Councillor Richard Lucas, seconded by the Lead Councillor for Regulatory and Democratic Services, Councillor Merel Rehorst-Smith, the Council commended the IRP's very thorough report and some of the innovative proposals therein, and

RESOLVED: That the Council:

- (1) defers consideration of the report of the Independent Remuneration Panel on the review of councillors' allowances for a period of 12 months;
- (2) retains the current scheme of allowances without indexation, which effectively freezes councillors' allowances at their current level for the 2024-25 financial year; and

(3) thanks the Independent Remuneration Panel for their work.

Reason:

In view of the Council's current financial position and the Council's determination to resolve those difficulties, now was not the right time to be increasing councillors' allowances.

CO76 REVIEW OF POLLING DISTRICTS AND POLLING PLACES 2023

The Council was informed that a statutory review of polling districts and polling places had been undertaken by the Electoral Services Manager.

The Council considered a report which set out recommendations arising from the review, including details of the 58 responses to the consultation which had taken place between 13 October and 17 November 2023.

Although no changes to any of the existing polling districts had been recommended, changes to designated polling places in the Stoughton North and Clandon & Horsley wards were proposed which would have the effect of relocating polling places away from local schools.

Upon the motion of the Lead Councillor for Regulatory and Democratic Services, Councillor Merel Rehorst-Smith, seconded by the Leader of the Council, Councillor Julia McShane, the Council

RESOLVED:

- (1) That no changes be made to existing polling districts.
- (2) That the following proposed changes to designated polling places be approved:
 - (a) That the designated polling place in polling district SN2 Stoughton North (North-West) within Stoughton North Ward be changed from Stoughton Infant School to Stoughton Methodist Church, Stoughton Road, Guildford, GU2 9PT.
 - (b) That the designated polling place in polling district C&H6 West Horsley (North) within the Clandon and Horsley Ward be changed from the Raleigh School to The Wheelhouse, 82 East Lane, West Horsley, Leatherhead, KT24 6LQ.

Reason:

As a result of this statutory review, the new designated polling places will improve elector polling experience, improve access, and further reduce the necessity for schools to close on polling days.

CO77 TIMETABLE OF COUNCIL AND COMMITTEE MEETINGS 2023-24

The Council considered a report on the proposed timetable of Council and Committee meetings for the 2024-25 municipal year.

The proposed timetable had been drafted in consultation with Waverley Borough Council to avoid, as far as practicable, diary conflicts for the Joint Management Team.

The Executive had also considered the report at its meeting on 23 November 2023 and had recommended approval of the timetable as appended to the report.

Upon the motion of the Lead Councillor for Regulatory and Democratic Services, Councillor Merel Rehorst-Smith, seconded by the Leader of the Council, Councillor Julia McShane, the Council

RESOLVED:

- (1) That the timetable of Council and Committee meetings for the 2024-25 municipal year, attached as Appendix 1 to the report submitted to the Council, be approved.
- (2) That the Executive Head of Legal & Democratic Services be authorised, in consultation with political group leaders, to approve the Timetable of Council and Committee Meetings in future years.

Reason:

To assist with the preparation of individual committee work programmes.

CO78 MINUTES OF THE EXECUTIVE

The Council received and noted the minutes of the meeting of the Executive held on 5 October 2023.

CO79 NOTICE OF MOTION DATED 23 NOVEMBER 2023: ANTI-SEMITISM AND ISLAMOPHOBIA

In accordance with Council Procedure Rule 11, Councillor James Walsh proposed, and Councillor Howard Smith seconded the following motion:

“Recent figures released by the Community Security Trust (CST) and Tell MAMA reveal that cases of antisemitism and Islamophobia are on the increase in the UK, fuelled by events in the Middle East.

Between 7 October and 9 November, for example, Tell MAMA reported 701 cases of anti-Muslim behaviour across the country - a sevenfold increase in Islamophobic attacks on the same period in 2022. The CST also reported the highest number of cases of antisemitic attacks since their records began in 1984, with 1,019 cases recorded between 7 October and 3 November.

Recent incidents of antisemitism have been reported here in Guildford, with some individuals and families having already left the borough, planning to leave the borough in the near future, or living under protection as a result. Local representatives of the Jewish community in Guildford have stated that the situation is “unprecedented” and reflects a growing and unacceptable intolerance and division in national and international society.

The Labour Group believes that we must unite against the forces that seek to divide communities and sow division and hatred between people from different backgrounds or who share different faiths or beliefs. It believes that tolerance, understanding and respect are cornerstones of democracy and that violence, intolerance and prejudice only serve to corrode them. Therefore, it asks that:

- (1) The Council be reminded of its resolution dated 12 July 2016 and reaffirmed on 11 April 2017 condemning racism, xenophobia and hate crimes, as follows:*

“We are proud to live in a diverse and tolerant society. Racism, xenophobia and hate crimes have no place in our country. Guildford Borough Council condemns racism, xenophobia and hate crimes unequivocally. We will not allow hate to become acceptable. We are pleased to note the strong stance that Surrey Police have taken against these issues.

Guildford Borough Council will work to ensure local bodies and programmes have support and resources needed to fight and prevent all these anti-social acts, and reassures all people living in Guildford borough that they are valued and welcome members of our community.”

- (2) The Council condemns all forms of discrimination, intolerance and division that some in our communities are facing and pledges to work*

together with partners, including Surrey Police and faith/religious organisations, to address issues and provide reassurance as it is made aware of them.

(3) The Council condemns antisemitism in all of its forms and regrets the incidents that have been reported in Guildford in recent months. It pledges to work with partners and local communities to address areas of concern and provide reassurance and support to the Jewish community wherever possible.

(4) The Council condemns Islamophobia in all of its forms and pledges to work with partners and local communities to address areas of concern and provide reassurance and support to the Muslim communities wherever possible.”

Under Council Procedure Rule 15 (o), Councillor Walsh as the mover of the original motion, indicated that, with the consent of his seconder and of the meeting, he wished to alter his motion as follows:

Alteration:

In the first sentence of the third paragraph of the motion, add “*to community leaders*” after “*Recent incidents of antisemitism have been reported...*”.

If altered, the first sentence of the third paragraph would therefore read as follows:

*“Recent incidents of antisemitism have been reported **to community leaders** here in Guildford, with some individuals and families having already left the borough, planning to leave the borough in the near future, or living under protection as a result.”*

The Council agreed to accept the alteration to the original motion, as indicated above. The motion, as altered, therefore became the substantive motion for debate.

Having debated the substantive motion, the Council

RESOLVED:

(1) That the Council be reminded of its resolution dated 12 July 2016 and reaffirmed on 11 April 2017 condemning racism, xenophobia and hate crimes, as follows:

“We are proud to live in a diverse and tolerant society. Racism, xenophobia and hate crimes have no place in our country. Guildford Borough Council condemns racism, xenophobia and hate crimes unequivocally. We will not allow hate to become acceptable. We are pleased to note the strong stance that Surrey Police have taken against these issues.

Guildford Borough Council will work to ensure local bodies and programmes have support and resources needed to fight and prevent all these anti-social acts, and reassures all people living in Guildford borough that they are valued and welcome members of our community.”

- (2) That the Council condemns all forms of discrimination, intolerance and division that some in our communities are facing and pledges to work together with partners, including Surrey Police and faith/religious organisations, to address issues and provide reassurance as it is made aware of them.
- (3) That the Council condemns antisemitism in all of its forms and regrets the incidents that have been reported in Guildford in recent months. It pledges to work with partners and local communities to address areas of concern and provide reassurance and support to the Jewish community wherever possible.
- (4) The Council condemns Islamophobia in all of its forms and pledges to work with partners and local communities to address areas of concern and provide reassurance and support to the Muslim communities wherever possible.

CO80 NOTICE OF MOTION DATED 24 NOVEMBER 2023: PROPOSED SPECIAL COMMITTEE TO RECEIVE INTERIM REPORTS ON THE INVESTIGATION OF ALLEGED FRAUD RELATING TO HOUSING MAINTENANCE CONTRACTS

In accordance with Council Procedure Rule 11, Councillor Philip Brooker proposed, and Councillor Bob Hughes seconded the following motion:

“Council notes the report about irregularities in HRA expenditure considered by the Corporate Governance and Standards Committee on 29 November 2023.

The report advises that:

- *An external team of experts are investigating any potentially fraudulent activity and that an internal “Strategic Project Group” is monitoring and co-ordinating the work of various workstreams.*

- *A “Strategic Board” will be set up imminently which will eventually report to the Corporate Governance and Standards Committee.*
- *Monthly reports will be prepared, but not available for public scrutiny.*
- *The first public report will not be available for “approximately six months”.*
- *Additional external support will be brought in to assist.*

Council notes that, whilst it is welcome that some more information is now in the public domain, it considers it to be inadequate considering the magnitude of the sums involved, in light of the clear public interest in the detail of these irregularities being made public much earlier than now proposed.

Council further notes that many of the “facts” could be made public without jeopardy to any other ongoing investigations, yet Council have not been provided with any specifics on what should be withheld under Schedule 12A of the Local Government Act 1972. This should be fully scrutinised immediately in the interests of transparency.

Council notes that it rejected, at its meeting on 10 October 2023, a motion for the Department for Levelling Up, Housing and Communities (DLUHC) to send in a Best Value Commissioner to carry out an independent investigator to examine the issues, which would certainly have speeded up the process, but now, two months later, seems to think that something similar is a good idea in order to proceed “in a timely manner”.

Therefore, this Council resolves:

- (1) Using the powers given to this council, immediately establish a Special Committee to receive interim reports from each investigating team, no later than at monthly intervals.*
- (2) That, in the interest of transparency, the special Committee be chaired by a member of a political party other than one of those in coalition at the time the irregularities commenced (2021), and that the composition of the committee be representative of the composition of the Council.*
- (3) That the Special Committee must have full access to all official information held by GBC as a public authority.*
- (4) That in the interest of openness and transparency, the Special Committee be authorised to decide how much information can be revealed to (a) Members in confidence and (b) the General Public”.*

Having debated the motion, the Council

RESOLVED: That the motion be not supported.

The meeting finished at 8.52 pm

Signed

Mayor

Date

GUILDFORD BOROUGH COUNCIL

Minutes of an extraordinary meeting of Guildford Borough Council held in the Council Chamber, Millmead House, Millmead, Guildford, Surrey on Tuesday 19 December 2023

* The Mayor, Councillor Masuk Miah

* The Deputy Mayor, Councillor Sallie Barker MBE

Councillor Bilal Akhtar	Councillor Steven Lee
Councillor Phil Bellamy	Councillor Sandy Lowry
* Councillor Dawn Bennett	* Councillor Richard Lucas
* Councillor Joss Bigmore	* Councillor Julia McShane
Councillor David Bilbe	* Councillor Richard Mills OBE
* Councillor Honor Brooker	* Councillor Carla Morson
Councillor James Brooker	* Councillor Danielle Newson
* Councillor Philip Brooker	Councillor Patrick Oven
Councillor Ruth Brothwell	Councillor George Potter
Councillor Yves de Contades	* Councillor Maddy Redpath
* Councillor Amanda Creese	Councillor Merel Rehorst-Smith
* Councillor Geoff Davis	Councillor David Shaw
Councillor Jason Fenwick	* Councillor Joanne Shaw
Councillor Matt Furniss	* Councillor Katie Steel
Councillor Angela Goodwin	* Councillor Howard Smith
* Councillor Lizzie Griffiths	* Councillor Cait Taylor
* Councillor Gillian Harwood	* Councillor Jane Tyson
* Councillor Stephen Hives	* Councillor James Walsh
* Councillor Catherine Houston	* Councillor Fiona White
* Councillor Tom Hunt	* Councillor Dominique Williams
* Councillor Bob Hughes	* Councillor Keith Witham
* Councillor James Jones	* Councillor Sue Wyeth-Price
* Councillor Vanessa King	Councillor Catherine Young

*Present

Honorary Freeman Keith Churchouse was also in attendance.

CO81 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Bilal Akhtar, Phil Bellamy, David Bilbé, Ruth Brothwell, Yves de Contades, Angela Goodwin, Steven Lee, Patrick Oven, George Potter, Merel Rehorst-Smith, and Catherine Young; and

from Honorary Aldermen Catherine Cobley, Jayne Marks, Tony Phillips, Lynda Strudwick, and Jenny Wicks.

CO82 DISCLOSURES OF INTEREST

There were no disclosures of interest.

CO83 MAYOR'S COMMUNICATIONS

The Mayor had no communications to convey to the Council.

CO84 LEADER'S COMMUNICATIONS

The Leader of the Council made the following announcements:

Rural England Prosperity Fund grants

Grants of up to £50,000 were now available, which were funded by DEFRA, as part of the 'Levelling up' agenda. The grants were available to fund projects that would have a positive impact on small businesses and communities in the rural areas of Guildford, Waverley and Tandridge.

Small businesses in any of those areas could apply for grants of up to 50% of their project's capital costs. The programme aimed to strengthen the local rural economy by:

- supporting rural development
- job creation
- growth and community enterprise

More information about the Rural England prosperity fund grant was available on Surrey County Council's website.

Guildford House Open exhibition and art prize winner

An art exhibition from national artists, shortlisted through a competition in partnership with Parker Harris Contemporary Visual Arts Specialists, was currently open until 6 January.

Christmas/New Year office closing dates and emergency numbers

Over the Christmas period and New Year, the Council offices would be closed:

- from 4.30pm on Friday 22 December until Thursday 28 December 2023
- Monday 1 January 2024

The Hive would be closed from 1pm on 22 December until 2 January 2024. Emergency information was available on the Council's website.

Christmas/New Year bin collections

Details of changes to bin collection days over the Christmas/New Year period were set out on the Council's website. There would be no garden waste collections for two weeks between Monday 25 December and Saturday 6 January.

The Leader wished local residents, businesses, officers and councillors a merry Christmas and happy New Year.

CO85 PUBLIC PARTICIPATION

No members of the public had registered to speak or ask a question at the meeting.

CO86 QUESTIONS FROM COUNCILLORS

There were no questions from councillors.

CO87 APPOINTMENT OF JOINT CHIEF EXECUTIVE/HEAD OF PAID SERVICE

Following the announcement by Tom Horwood of his resignation as Joint Chief Executive/Head of Paid Service, the search for a permanent appointment of Mr Horwood's successor had been carried out in conjunction with Penna.

The report to the Council had set out details of the recruitment campaign, and selection process, including the outcome of a stakeholder panel which led to the shortlisting of five candidates for final interviews by the Joint Appointments Committee (JAC).

Following the withdrawal of one of the candidates from the process, the JAC, at its meeting held on 14 December 2023, had interviewed the remaining four shortlisted candidates and took into account the technical and psychometric assessments and feedback received from the stakeholder panel in respect of each candidate. The JAC had unanimously agreed to recommend to both councils that confirmation of a formal offer of appointment to the post of Joint Chief Executive, and designation as Head of Paid Service, be made to Pedro Wrobel, who was currently Executive Director, Innovation and Change at Westminster City Council.

That confirmation was subject to the usual HR clearances and to no material or well-founded objection being made by either of the two Council Leaders on behalf of their respective Executives, in accordance with the provisions of Paragraph 5 of Part II of Schedule 1 to the Local Authorities (Standing Orders) (England) Regulations 2001.

At the meeting, the Monitoring Officer confirmed that no such objection had been received.

Upon the motion of the Leader of the Council, Councillor Julia McShane seconded by the Lead Councillor for Finance and Property, Councillor Richard Lucas, the Council:

RESOLVED: That the formal appointment of Pedro Wrobel to the post of Joint Chief Executive and designation as Head of Paid Service for both Guildford and Waverley Borough Councils be confirmed at a salary of £165,000 p.a., subject to the usual HR clearances.

Reasons:

- To appoint a Joint Chief Executive and Head of Paid Service, as part of the agreed collaboration arrangements between Guildford and Waverley Borough Councils.
- To comply with the requirements of Section 4 of the Local Government and Housing Act 1989

The meeting finished at 6.20 pm

Signed
Mayor

Date

Agenda item number: 3

Guildford Borough Council

Report to: Council

Date: 23 January 2024

Ward(s) affected: All

Report of Director: Transformation and Governance

Author: Susan Sale, Joint Executive Head of Legal & Democratic Services

Tel: 01483 444022

Email: susan.sale@guildford.gov.uk

Report Status: Open

Amendments to the Guildford and Waverley Joint Governance Committee Terms of Reference

1. Executive Summary

- 1.1 The Guildford & Waverley Joint Governance Committee (JGC) was created in April 2022 and its Terms of Reference (TOR) can be found in Part 3 – (Appendix 2) of the Waverley Borough Council’s Constitution, Part 3 – (Terms of Reference of the Council) of the Guildford Borough Council Constitution and in **Appendix 1** to this report.
- 1.2 At the request of the Joint Executive Head of Legal & Democratic Services, the TOR for the JGC were reviewed to ensure they remained, relevant, fit for purpose and included any collaboration arrangement updates.
- 1.3 The amendments mainly focus on the inclusion of the Temporary Shared Staffing Inter Authority Agreement (IAA), periodic review

periods, frequency of meetings, quorum, and procedures for electing a chairperson (in the absence of a Co-Chair) and voting. The amendments also include the rephrasing of text for clarity and correcting some minor typos.

- 1.4 A report was taken to the JGC on 1 November 2023, where members of the committee reviewed, noted, and supported the proposed amendments. The JGC made an additional recommendation, for a further amendment to the use of substitutes under clause 8; requesting that the respective Group Leaders nominate an ongoing main substitute.
- 1.5 At its meeting on 30 November 2023, this report was considered by the Joint Constitutions Review Group (JCRG). The JCRG agreed to recommend approval of the amendments to the JGC's TOR to both the Corporate Governance & Standards Committee and to Waverley's Standards & General Purposes Committee at their respective meetings in January, with a further recommendation that each committee recommends the adoption of the amended TOR to their respective full Council meetings¹.
- 1.6 At its meeting on 8 January 2024, Waverley's Standards & General Purposes Committee endorsed the recommendation in this report, without amendment. Details of the recommendation of the Corporate Governance & Standards Committee, following its consideration of this report on 18 January 2024, will be included on the Order Paper for the extraordinary Council meeting.

2. Recommendation to Council

- 2.1 That the proposed amended terms of reference for the Guildford & Waverley Joint Governance Committee, as set out in Appendix 3 to this report, be adopted into the Constitution.

¹ Extraordinary council meetings scheduled for 23 January (Guildford), and 24 January (Waverley)

3. Reasons for Recommendation:

- 3.1 To ensure both councils continue to adopt and exercise strong governance arrangements for inter-authority working.

4. Exemption from publication

- 4.1 No part of this report is exempt from publication.

5. Purpose of Report

- 5.1 This report asks the Council to adopt the amendments to the JGC's terms of reference, as proposed by the JCRG.

6. Strategic Priorities

- 6.1 The collaboration between Guildford and Waverley assists in the delivery of both councils' corporate priorities.

7. Background

- 7.1 The JGC was created in April 2022 and its Terms of Reference (TOR) can be found in Part 3 – Appendix 2 of the Waverley Borough Council's Constitution, Part 3 – (Terms of Reference of the Council) of the Guildford Borough Council Constitution and **Appendix 1** to this report.
- 7.2 **Appendix 2** shows the proposed amendments to the current TOR with tracked changes, as recommended by both the JGC at its meeting on 1 November and the JCRG at its meeting on 30 November. The amendments mainly focus on the inclusion of the Temporary Shared Staffing IAA, periodic review periods, frequency of meetings, quorum, and procedures for electing a chairperson (in the absence of a Co-Chair) and voting. The amendments also include arrangements for working groups, sub-committees, the rephrasing of text for clarity and correcting some minor typos.

- 7.3 The current TOR state (in paragraph 7) that the JGC frequency of meeting should be as and when required. The Joint Executive Head of Legal & Democratic Services has suggested that the frequency of the meeting should be a formal arrangement and the meetings should take place **as and when required but at least biannually**, in line with the JGC's responsibilities to review inter-authority working arrangements and risk assessments.
- 7.4 The current TOR of the JGC include (in para (9) Role & Function): '(i) To undertake periodically a formal review (at least once every 12 months) of the inter-authority agreement, ensuring it continues to be fit for purpose and recommending to both Full Councils any changes required.'
- 7.5 The Joint Executive Head of Legal & Democratic Services has suggested that the wording be amended to include the Temporary Shared Staff IAA '(i) To undertake periodically a formal review (*at least once every 12 months*) of the inter-authority agreement(s), ensuring **they** continue to be fit for purpose and recommends to both Full Councils any changes required.'
- 7.6 At the meetings of the Guildford and Waverley Executives held on 20 July and 5 September 2023 respectively, the Executives unanimously approved:
- i. The principle of sharing staff between Guildford Borough Council and Waverley Borough Council, on a temporary basis, where appropriate to support the collaboration programme.
 - ii. Delegating authority to the Joint Chief Executive, to approve, subject to a business case, future temporary staff sharing arrangements between Guildford Borough Council and Waverley Borough Council, to support the collaboration and transformation programme.
 - iii. Delegating authority to the Joint Executive Head of Legal and Democratic Services to enter into an agreement between Guildford Borough Council and Waverley Borough Council for the sharing of their staff on a temporary basis.

8. Equality and Diversity Implications

- 8.1 The Council must have due regard to the requirements of the Public Sector Equality Duty (Equality Act 2010) when making any decisions concerning governance arrangements. There are no equality and diversity implications arising from this report.

9. Financial Implications

- 9.1 There are no financial implications arising from this report. Any proposals, projects, or suggestions from the groups with financial implications will either be contained within approved budgets or considered as part of the Service and Financial Planning cycle.

10. Legal Implications

- 10.1 Section 101(5) Local Government Act 1972 provides that two or more local authorities may discharge any of their functions jointly. The JGC was established by both Guildford Borough Council and Waverley Borough Council jointly to discharge their functions in accordance with the JGC's terms of reference.

11. Human Resource Implications

- 11.1 There are no direct human resource implications arising from this report.

12. Background Papers

- Guildford Borough Council Constitution
- Waverley Borough Council Constitution
- 20 July 2023: Report to GBC Executive on Temporary Shared Staffing
- 5 September 2023: Report to WBC Executive on Temporary Shared Staffing
- 1 November 2023: Report to G&W Joint Governance Committee
- 30 November 2023: Report to G&W Joint Constitutions Review Group
- 8 January 2024: Report to Waverley's Standards & General Purposes Committee
- 18 January 2024: Report to Corporate Governance & Standards Committee

13. Appendices

Appendix 1: Current Joint Governance Committee Terms of Reference (July 2023)

Appendix 2: Proposed amended Terms of Reference (with tracked changes and comments from the JGC November 2023)

Appendix 3: Proposed amended Terms of Reference (without tracked changes November 2023)

PART 3 – TERMS OF REFERENCE OF COUNCIL, THE LEADER/EXECUTIVE, AND COMMITTEES

**GUILDFORD BOROUGH COUNCIL AND WAVERLEY BOROUGH COUNCIL
JOINT GOVERNANCE COMMITTEE**

COMPOSITION AND TERMS OF REFERENCE

1. This Joint Committee is to be established by Guildford Borough Council and Waverley Borough Council (“the councils”) in accordance with Section 102 (1) (b) of the Local Government Act 1972 (Appointment of committees)
2. MEMBERS: 12
 - (a) The Joint Governance Committee shall comprise the respective Leaders of both councils, plus five members appointed by Guildford Borough Council and five members appointed by Waverley Borough Council
 - (b) Appointments shall be made in accordance with the Local Government (Committees and Political Groups) Regulations 1990
3. QUORUM: 7 (subject to each council being represented at a meeting by at least three members)
4. CHAIR: The Joint Governance Committee shall be chaired alternately between the councils by their respective Leaders.
5. PLACE OF MEETINGS: The venue for meetings of the Joint Governance Committee shall normally alternate between the two councils with the host Leader chairing the meeting. The venue for the first meeting shall be at Guildford Borough Council’s offices.
6. GENERAL ROLE: Adopting and exercising such of the functions of the councils as can be delegated by those councils in respect of the governance arrangements for inter-authority working
7. FREQUENCY OF MEETINGS: As and when required
8. SUBSTITUTES: Substitutes may be appointed. Any appointed member of the Joint Governance Committee may be substituted by any other member of their political group on the Council they represent.
9. ROLE AND FUNCTION:
 - (i) To undertake periodically a formal review (at least once every 12 months) of the inter-authority agreement, ensuring it continues to be fit for purpose and recommending to both Full Councils any changes required.
 - (ii) To undertake periodically a formal review (at least once every 6 months) of the collaboration risk assessment, reviewing current and target impact and likelihood scores and making any changes to the list of risks and mitigating actions.
 - (iii) Notwithstanding (i) and (ii) above, to undertake a formal review of the inter-authority agreement or the collaboration risk assessment at such other time as may be determined by the Joint Committee.
 - (iv) To discharge any other functions that relate to the governance of the inter-authority working arrangements that may from time to time be delegated to the Joint Committee.

10. **SERVICING THE JOINT GOVERNANCE COMMITTEE:** The servicing of the Joint Governance Committee shall be agreed between the Councils' Democratic Services Managers.
11. **MEETINGS OF THE JOINT GOVERNANCE COMMITTEE SHALL BE CONDUCTED IN ACCORDANCE WITH THE FOLLOWING PROCEDURE:**
 - (a) A meeting of the Joint Governance Committee shall be summoned by the relevant Proper Officer of the Council who shall give a minimum of five clear working days' notice (or less in the case of urgency)
 - (b) Meetings of the Joint Governance Committee shall be held in public except in so far as the matters for decision relate to issues which can be dealt with in private in accordance with Section 100A (4) and (5) of the Local Government Act 1972 (as amended)
 - (c) The order of business at meetings of the Joint Governance Committee shall include the following:
 - (a) Apologies for Absence and notification of substitutes
 - (b) Disclosures of Interest
 - (c) Adoption of the Minutes of the previous meeting
 - (d) Matters set out in the agenda for the meeting
 - (e) Matters not set out in the agenda for the meeting but which the chairman agrees pursuant to Section 100B (4) (b) of the Local Government Act 1972 (as amended) should be considered at the meeting as a matter of urgency
 - (d) Any matter will be decided by a simple majority of those members of the Joint Governance Committee present and voting at the time the question was put. A vote shall be taken either by show of hands or, if there is no dissent, by the affirmation of the meeting.
 - (e) The Joint Governance Committee shall have no function or power delegated to it in any circumstance where a majority decision cannot be made without the need for the chairman or person presiding having to exercise their second or casting vote.

PART 3 – TERMS OF REFERENCE OF COUNCIL, THE LEADER/EXECUTIVE, AND COMMITTEES

**GUILDFORD BOROUGH COUNCIL AND WAVERLEY BOROUGH COUNCIL
JOINT GOVERNANCE COMMITTEE**

COMPOSITION AND TERMS OF REFERENCE

(Guildford Borough Council and Waverley Borough Council)

1. This Joint Committee is to be established by Guildford Borough Council and Waverley Borough Council (“the councils”) in accordance with Section 10 ~~1 (5)2-(1)~~ ~~(b)~~ of the Local Government Act 1972 (Appointment of committees)
2. MEMBERS: 12
 - (a) The Joint Governance Committee shall comprise the respective Leaders of ~~each~~ ~~both~~ councils, plus five members appointed by Guildford Borough Council and five members appointed by Waverley Borough Council
 - (b) Appointments shall be made in accordance with the Local Government (Committees and Political Groups) Regulations 1990 in respect of each council.
3. QUORUM: ~~74 members in total,~~ (subject to each council being represented at a meeting by at least ~~two~~ three of their members).
4. CHAIR: The Joint Governance Committee shall be chaired alternately between the councils by their ~~respective~~ Leaders of the Council, hosting the meeting, or in their absence, the Leader of the Council not hosting the meeting, or in both Leaders absence, the Chair shall be appointed by a majority vote of those members present and voting.
5. PLACE OF MEETINGS: The venue for meetings of the Joint Governance Committee shall normally alternate between the two councils with the host Leader chairing the meeting, but the venue may be varied by the Joint Monitoring Officer following consultation with the Leader of each Council. The venue for the first meeting shall be at Guildford Borough Council's offices.
6. GENERAL ROLE: Adopting and exercising such of the functions of the councils as ~~can~~ may be delegated by those councils in respect of the governance arrangements for inter-authority working between Guildford Borough Council and Waverley Borough Council.
7. FREQUENCY OF MEETINGS: As and when required, but at least bi-annually.
8. SUBSTITUTES: Substitutes may be appointed. The respective Group Leaders shall nominate an ongoing main substitute. Any appointed member of the Joint Governance Committee may be substituted by any other member of their political group on the ~~c~~ Council they represent.
9. ROLE AND FUNCTION:
 - (i) To undertake periodically a formal review (at least once every 12 months) of ~~the all~~ inter-authority agreements, between Guildford Borough Council and Waverley Borough Council, ensuring ~~they~~ continues to be fit for purpose and recommending to both Full Councils any changes required.

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Commented [KSC1]: Recommendation requested by the Joint Governance Committee on 01.11.23

Agenda item number: 8
Appendix 2

- (ii) To undertake periodically a formal review (at least once every 6 months) of the collaboration risk assessment, reviewing current and target impact and likelihood scores and making any changes to the list of risks and mitigating actions.
 - (iii) Notwithstanding (i) and (ii) above, to undertake a formal review of the inter-authority agreements or the collaboration risk assessment at such other time as may be determined by the Joint Committee.
 - (iv) To discharge any other functions that relate to the governance of the inter-authority working arrangements that may from time to time be delegated to the Joint Committee.
 - (v) The Joint Governance Committee may arrange for the discharge of its functions by an Officer, of either Waverley Borough Council or Guildford Borough Council, and in doing so will set out clearly any limits upon such delegation.
 - (vi) The Joint Governance Committee may establish working groups to assist them in their work and in doing so will set clear terms of reference for them. Such working groups shall not be decision-making bodies.
 - ~~(iv)~~(vii) The Joint Governance Committee may establish a Sub-Committee consisting solely of Members of one Council to consider matters solely relating to that Council.
10. SERVICING THE JOINT GOVERNANCE COMMITTEE: The servicing of the Joint Governance Committee shall be agreed between the CC Councils' Democratic Services Managers.
11. MEETINGS OF THE JOINT GOVERNANCE COMMITTEE SHALL BE CONDUCTED IN ACCORDANCE WITH THE FOLLOWING PROCEDURE:
- (a) A meeting of the Joint Governance Committee shall be summoned by the relevant Proper Officer of the Council who shall give a minimum of five clear working days' notice (or less in the case of urgency)
 - (b) Meetings of the Joint Governance Committee shall be held in public except in so far as the matters for decision relate to issues which can be dealt with in private in accordance with Section 100A (4) and (5) of the Local Government Act 1972 (as amended)
 - (c) The order of business at meetings of the Joint Governance Committee shall include the following:
 - (a) Apologies for Absence and notification of substitutes
 - (b) Disclosures of Interest
 - (c) Adoption of the Minutes of the previous meeting
 - (d) Matters set out in the agenda for the meeting
 - (e) Matters not set out in the agenda for the meeting but which the chairman agrees pursuant to Section 100B (4) (b) of the Local Government Act 1972 (as amended) should be considered at the meeting as a matter of urgency

(d) Any matter will be decided by a simple majority of those members of the Joint Governance Committee present and voting at the time the question was put. A vote shall be taken either by show of hands or, if there is no dissent, by the affirmation of the meeting. The chairman or person presiding shall have the ~~ne~~ casting vote.

~~(e) The Joint Governance Committee shall have no function or power delegated to it in any circumstance where a majority decision cannot be made without the need for the chairman or person presiding having to exercise their second or casting vote.~~

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PART 3 – TERMS OF REFERENCE OF COUNCIL, THE LEADER/EXECUTIVE, AND COMMITTEES

JOINT GOVERNANCE COMMITTEE

(Guildford Borough Council and Waverley Borough Council)

1. This Joint Committee is to be established by Guildford Borough Council and Waverley Borough Council (“the councils”) in accordance with Section 101 (5) of the Local Government Act 1972 (Appointment of committees)
2. MEMBERS: 12
 - (a) The Joint Governance Committee shall comprise the respective Leader of each council, plus five members appointed by Guildford Borough Council and five members appointed by Waverley Borough Council
 - (b) Appointments shall be made in accordance with the Local Government (Committees and Political Groups) Regulations 1990 in respect of each council.
3. QUORUM: 4 members in total, subject to each council being represented at a meeting by at least two of their members.
4. CHAIR: The Joint Governance Committee shall be chaired alternately between the councils by the Leader of the Council, hosting the meeting, or in their absence, the Leader of the Council not hosting the meeting, or in both Leaders absence, the Chair shall be appointed by a majority vote of those members present and voting.
5. PLACE OF MEETINGS: The venue for meetings of the Joint Governance Committee shall normally alternate between the two councils with the host Leader chairing the meeting, but the venue may be varied by the Joint Monitoring Officer following consultation with the Leader of each Council. .
6. GENERAL ROLE: Adopting and exercising such of the functions of the councils as may be delegated by those councils in respect of the governance arrangements for inter-authority working between Guildford Borough Council and Waverley Borough Council.
7. FREQUENCY OF MEETINGS: As and when required, but at least bi-annually.
8. SUBSTITUTES: Substitutes may be appointed. The respective Group Leaders shall nominate an ongoing main substitute. Any appointed member of the Joint Governance Committee may be substituted by any other member of their political group on the council they represent.
9. ROLE AND FUNCTION:
 - (i) To undertake periodically a formal review (at least once every 12 months) of all inter-authority agreements, between Guildford Borough Council and Waverley Borough Council, ensuring they continue to be fit for purpose and recommending to both Full Councils any changes required.
 - (ii) To undertake periodically a formal review (at least once every 6 months) of the collaboration risk assessment, reviewing current and target impact and likelihood scores and making any changes to the list of risks and mitigating actions.

- (iii) Notwithstanding (i) and (ii) above, to undertake a formal review of the inter-authority agreements or the collaboration risk assessment at such other time as may be determined by the Joint Committee.
 - (iv) To discharge any other functions that relate to the governance of the inter-authority working arrangements that may from time to time be delegated to the Joint Committee.
 - (v) The Joint Governance Committee may arrange for the discharge of its functions by an Officer, of either Waverley Borough Council or Guildford Borough Council, and in doing so will set out clearly any limits upon such delegation.
 - (vi) The Joint Governance Committee may establish working groups to assist them in their work and in doing so will set clear terms of reference for them. Such working groups shall not be decision-making bodies.
 - (vii) The Joint Governance Committee may establish a Sub-Committee consisting solely of Members of one Council to consider matters solely relating to that Council.
10. SERVICING THE JOINT GOVERNANCE COMMITTEE: The servicing of the Joint Governance Committee shall be agreed between the councils' Democratic Services Managers.
11. MEETINGS OF THE JOINT GOVERNANCE COMMITTEE SHALL BE CONDUCTED IN ACCORDANCE WITH THE FOLLOWING PROCEDURE:
- (a) A meeting of the Joint Governance Committee shall be summoned by the relevant Proper Officer of the Council who shall give a minimum of five clear working days' notice (or less in the case of urgency)
 - (b) Meetings of the Joint Governance Committee shall be held in public except in so far as the matters for decision relate to issues which can be dealt with in private in accordance with Section 100A (4) and (5) of the Local Government Act 1972 (as amended)
 - (c) The order of business at meetings of the Joint Governance Committee shall include the following:
 - (a) Apologies for Absence and notification of substitutes
 - (b) Disclosures of Interest
 - (c) Adoption of the Minutes of the previous meeting
 - (d) Matters set out in the agenda for the meeting
 - (e) Matters not set out in the agenda for the meeting but which the chairman agrees pursuant to Section 100B (4) (b) of the Local Government Act 1972 (as amended) should be considered at the meeting as a matter of urgency
 - (d) Any matter will be decided by a simple majority of those members of the Joint Governance Committee present and voting at the time the question was put. A vote shall be taken either by show of hands or, if there is no dissent, by the affirmation of the meeting. The chairman or person presiding shall have the casting vote.

Guildford & Waverley Borough Councils

Report to: Council

Date: 23 January 2024

Ward(s) affected: All

Report of Director: Transformation and Governance

Author: Susan Sale, Joint Executive Head of Legal & Democratic Services

Tel: 01483 444022

Email: susan.sale@guildford.gov.uk

Report Status: Open

Guildford Borough Council & Waverley Borough Council: Officer Employment Procedure Rules

1. Executive Summary

- 1.1 There is a statutory obligation upon every Local Authority to have a constitution and to both maintain and publish it. It is considered good practice to keep the constitution under constant review and for councillors to consider a more formal review on an annual basis.
- 1.2 As part of the current work programme to update the constitutions of both Guildford Borough Council (GBC) and Waverley Borough Council (WBC), the Joint Executive Head of Legal and Democratic Services has deemed the Officer Employment Procedure Rules as a high priority, requiring urgent attention, particularly at WBC where none currently exist.

- 1.3 The GBC Officer Employment Procedure Rules can be found in Part 4 (Procedure Rules) of its constitution. WBC currently does not have any Officer Employment Procedure Rules published in its constitution. Officers are recommending the introduction of new Officer Employment Procedure Rules, using examples of good practice, based on the statutory framework.
- 1.4 At its meeting on 30 November 2023, this report was considered by the Joint Constitutions Review Group (JCRG). The JCRG agreed to recommend approval of the new Officer Employment Procedure Rules to both the Corporate Governance & Standards Committee and to Waverley's Standards & General Purposes Committee at their respective meetings in January, with a further recommendation that each committee recommends the adoption of the new procedure rules to their respective full Council meetings¹.
- 1.5 At its meeting on 8 January 2024, Waverley's Standards & General Purposes Committee, endorsed the recommendations which affect both councils in paragraphs 2.1, 2.4, and 2.6 of this report (see below), subject to the inclusion in the draft Officer Employment Procedure Rules of a reference to the schedule of proper officers listed in part 3 of the Constitution. Details of the recommendation of the Corporate Governance & Standards Committee, following its consideration of this report on 18 January 2024, will be included on the Order Paper for the extraordinary Council meeting.
- 1.6 All members of the Joint Management Team (JMT) are employed by WBC and the Officer Employment Procedure Rules based on the Council's current staff structures, apply only to members of the JMT. It is proposed that the new Officer Employment Procedure Rules will be included in the constitutions of both councils. The existing Officer Employment Procedure Rules in GBC's Constitution would be superseded by the new rules.
- 1.7 GBC currently has an Employment Committee, whose terms of reference include matters relating to the employment (including

¹ Extraordinary council meetings scheduled for 23 January (Guildford), and 24 January (Waverley)

appointment, disciplinary action and dismissal) of the Council's most senior officers. The procedures for dealing with those matters are set out in the existing Officer Employment Procedure Rules.

- 1.8 The Employment Committee's terms of reference do not take into account the collaboration between the two councils, the establishment of the JMT and of the Guildford & Waverley Joint Appointments Committee. They are therefore out of date, of no practical use and are superfluous and in contradiction to the terms of reference of the Joint Appointments Committee. The terms of reference of the Joint Appointments Committee includes the process for the appointment of the Joint Chief Executive, Joint Section 151 Officer, Joint Monitoring Officer, and Joint Strategic Director posts.
- 1.9 Approval of the new Officer Employment Procedure Rules will therefore, as a consequence, require the formal disbandment of the Employment Committee which no longer has a role, other than as set out in paragraph 1.10 below.
- 1.10 The Employment Committee's terms of reference also include "*approval of the Council's human resources policies*", which are not within the remit of the Joint Appointments Committee. It is therefore proposed that this function be delegated to the Head of Paid Service, and that the GBC Scheme of Officer Delegations be amended to reflect this.
- 1.11 The Joint Appointments Committee was formed in August 2021 to deal with the appointments of joint senior members of staff. The TOR for this committee lies in the constitution for both councils, Part 3 page 19 of the GBC constitution and Part 3 appendix 2 of the WBC constitution. To support the improvements to the Officer Employment Procedure Rules, and incorporate statutory requirements, it has become evident that the Joint Appointment Committee's remit needs to be expanded to also deal with disciplinary action against, and the dismissal of, joint senior members of staff.

- 1.12 It is proposed that the Joint Appointments Committee's TOR be amended to deal with appointments, disciplinaries and dismissals of relevant officers, to reflect legislation. As such, the Committee will require a change of name to better reflect its new purpose, and it is proposed that it be known as the 'Joint Senior Staff Committee' (JSSC), rather than the 'Joint Appointments Committee' (JAC).

2. Recommendation to Council

Subject to consideration of the recommendation of the Corporate Governance & Standards Committee (18 January 2024) in respect of this matter, the Council is asked to agree the following:

- 2.1 That the new Officer Employment Procedure Rules, as set out in **Appendix 1** to this report, be adopted into the Constitution, and that they replace the Council's existing Officer Employment Procedure Rules.
- 2.2 That the Employment Committee be disbanded.
- 2.3 That the Head of Paid Service be authorised to approve, where necessary, any human resource policies that apply to Guildford Borough Council.
- 2.4 That the revised terms of reference for the Joint Appointments Committee and change of its name to "Joint Senior Staff Committee" to reflect its expanded responsibilities, as set out in **Appendix 4** to this report, be adopted.
- 2.5 That the Council confirms the GBC membership of the Joint Senior Staff Committee, for the remainder of the 2023-24 municipal year, as being:
- Councillor Philip Brooker
 - Councillor Julia McShane
 - Councillor Fiona White
- 2.6 That the Monitoring Officer be authorised to convene, where necessary, an Independent Panel, as provided for in the Officer Employment Procedure Rules.

3. Reason for Recommendation:

- 3.1 To ensure that both GBC and WBC have adequate arrangements in place to deal with the employment of all officers including senior management and statutory officers. Approval of the new Officer Employment Procedure Rules will be the first step in the process to align the constitutions of GBC and WBC where appropriate to do so.

4. Exemption from publication

- 4.1 No part of this report is exempt from publication.

5. Purpose of Report

- 5.1 This report asks the Council:

- (a) To adopt the proposed new Officer Employment Procedure Rules.
- (b) To agree:
- to disband the Employment Committee;
 - to authorise the Head of Paid Service to approve the Council's HR policies;
 - to rename the Joint Appointments Committee the "Joint Senior Staff Committee", approve its revised terms of reference, and confirm the GBC membership; and
 - to authorise the Monitoring Officer to convene, where necessary, an Independent Panel, as provided for in the new Officer Employment Procedure Rules.

6. Strategic Priorities

- 6.1 The collaboration between Guildford and Waverley assists in the delivery of both councils' corporate priorities.

7. Background

The Officer Employment Procedure Rules

- 7.1 The statutory officers of both councils, the Head of Paid Service (Chief Executive), the Section 151 Officer (Executive Head of Finance) and the Monitoring Officer (Executive Head of Legal and Democratic Services), have duties to advise and protect the councils as corporate bodies. In carrying out their duties at times they may be required to provide advice to members that is not welcome or popular, or to take such action in connection with that advice in order to fulfil their statutory responsibilities.
- 7.2 Accordingly, these three statutory posts are protected by law under specific regulations from unwarranted political interference in carrying out their proper duties. In the event that disciplinary action is contemplated against a statutory officer, members will need to ensure that they understand the procedure to be used complies with the regulatory requirements and the relevant terms and conditions of employment.
- 7.3 The Local Authorities (Standing Orders) (England)(Amendment) Regulations 2015 amended the previous legislation to change the statutory process for dismissing the Head of Paid Service, Monitoring Officer and Chief Finance Officer (“the relevant officers”). Previously no disciplinary action could be taken against a relevant officer other than in accordance with a recommendation in a report made by a Designated Independent Person (DIP). The 2015 Regulations abolished the role of the DIP and outlined a new process to be followed and to be incorporated into Council constitutions.
- 7.4 The Model Disciplinary Procedure and Guidance which incorporate the relevant statutory requirements was nationally negotiated and agreed by the Joint Negotiating Committee (JNC) for Local Authority Chief Executives issued in October 2016. It was then incorporated into the contractual terms and conditions of employment for Local Authority Chief Executives.

- 7.5 Additionally, the August 2017 Chief Officers' JNC contains a modified procedure for Monitoring Officers and Section 151 Officer, indicating that the relevant provisions of the Chief Executives' Handbook can be used as a reference guide in such circumstances. This Model Procedure for Chief Executives has been adopted across England and it is now recommended that it should govern any future disciplinary procedures for the relevant Statutory Officers employed here.

Guildford and Waverley Borough Council Collaboration

- 7.6 Following the commitment by both Guildford and Waverley to collaborate and the establishment of a JMT, with the prospect of further collaborative proposals coming forward, the benefits of approving new Officer Employment Procedure Rules and related governance processes within the respective Constitutions, where appropriate to do so, are becoming increasingly apparent.
- 7.7 The current published version of WBC constitution lists the Officer Employment Procedure Rules in Part 4 (4.8), however there is a note advising that the section is under review. The previous version was removed in October 2022. This was initially due to the timing of the recruitment process of the JMT and was left under review with an update imminent.
- 7.8 The GBC Officer Employment Procedure rules can be found in Part 4, pages 77 - 94 of its constitution, it is a total of 17 pages. As part of the constitutions review process, we have compared both sections to guidance, best practice, and those of several other collaborating borough/district councils. In comparison the average length of the Officer Employment Procedure Rules is 6 pages, they also tend to be less descriptive and more succinct.
- 7.9 It was decided by both councils in April 2022 that all Statutory officers (The Head of Paid Service, Monitoring Officer and Chief Finance Officer) and the entire JMT would be employed directly by WBC. It is proposed that the new Officer Employment Procedure Rules, set out in **Appendix 1** to this report, will be included in the constitutions of both councils. The existing Officer Employment Procedure Rules in GBC's Constitution would be superseded by the new rules.

- 7.10 It will also be necessary for Guildford to formally disband its existing Employment Committee.
- 7.11 The terms of reference for the current Joint Appointments Committee are set out in **Appendix 2** to this report, the proposed changes are found as a tracked change version at **Appendix 3** and a clean copy of proposed changes can be found at **Appendix 4** to this report.

8. Equality and Diversity Implications

- 8.1 The Council must due regard to the requirements of the Public Sector Equality Duty (Equality Act 2010) when making any recommendations concerning constitutional arrangements. There are no equality and diversity implications arising directly from this report.

9. Financial Implications

- 9.1 There are no financial implications arising from this report.

10. Legal Implications

- 10.1 The Local Authorities (Standing Orders) (England) Regulations 2001, as amended, govern the appointment and disciplinary arrangements within a Local Authority relevant to senior officers.
- 10.2 Section 112 Local Government Act 1972 provides a Local authority with the power to appoint such officers as they think necessary for the proper discharge by the authority of their functions.

11. Human Resource Implications

- 11.1 The Human Resources implications for certain senior Officers of the Council are set out in the body of the report.

12. Background Papers

Waverley Borough Council Constitution
Guildford Borough Council Constitution
Minutes from the GBC Full Council meetings held on 5 April 2022
Minutes from the GBC Full Council meetings held on 26 April 2022

8 January 2024: Report to Waverley's Standards & General Purposes Committee

18 January 2024: Report to Corporate Governance & Standards Committee

13. Appendices

Appendix 1: Draft Officer Employment Procedure Rules

Appendix 2: Current TOR for the Joint Appointments Committee

Appendix 3: Draft TOR for the Joint Senior Staff Committee (tracked change version)

Appendix 4: Draft TOR for the Joint Senior Staff Committee (clean version)

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OFFICER EMPLOYMENT PROCEDURE RULES

1.0 INTRODUCTION

1.1 Definitions

In these Rules:

- 1.1.1 'The 2001 Regulations' means the Local Authorities (Standing Orders) (England) Regulations 2001; 'The 2015 Regulations' means the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015.
- 1.1.2 'Appointor' means, in relation to the appointment of a person as an Officer of the Authority, the Authorities or, where a Joint Committee, Committee, Sub-Committee or Officer is discharging the function of appointment on behalf of the Authorities, that Joint Committee, Committee, Sub-Committee or Officer, as the case may be;
- 1.1.3 'Disciplinary Action' in relation to an Officer of the Council means any action occasioned by alleged misconduct which, if proven, would, according to the Council's usual practice, be recorded on the member of staff's personal file. This includes any proposal for dismissal of a member of staff for any reason other than redundancy, permanent ill-health or infirmity of mind or body, but does not include failure to renew a contract of employment for a fixed term unless the Authority has undertaken to renew such a contract;
- 1.1.4 'Dismissor' means, in relation to the dismissal of an Officer of the Authority, the Authorities or, where a Joint Committee, Committee, Sub-Committee or another Officer is discharging the function of dismissal on behalf of the Authorities, that Joint Committee, Committee, Sub-Committee or other Officer, as the case may be;
- 1.1.5 The 'Joint Management Team' means the group of Officers consisting of the Joint Chief Executive, the Joint Strategic Directors and the Joint Executive Heads of Service.
- 1.1.6 'Head of Paid Service' means the Officer designated under *Section 4(1) of the Local Government and Housing Act 1989* – the Council's Joint Chief Executive has been designated the Head of Paid Service;
- 1.1.7 'Chief Finance Officer' means the Officer having responsibility, for the purposes of *Section 151 of the Local Government Act 1972*, for the administration of the Council's financial affairs – the Council's Joint Executive Head of Finance has been designated the Chief Finance Officer;
- 1.1.8 'Monitoring Officer' means the Officer designated under *Section 5(1) of the Local Government and Housing Act 1989* – the Council's Joint Executive Head of Legal and Democratic Services has been designated the Monitoring Officer;
- 1.1.9 'Statutory Chief Officer' means, in accordance with *section 2(6) Local Government and Housing Act 1989*, the officer responsible for the purposes of *s151 of the Local Government Act 1972* for the administration of the authority's financial affairs - the Council's Chief Finance Officer is a Statutory Chief Officer.
- 1.1.10 'Non-statutory Chief Officer' means, in accordance with *section 2(7) Local Government and Housing Act 1989* a person for whom the Head of Paid Service is directly responsible, a person who as respects all or most of the duties of their post is required to report directly or is directly accountable to the Head of Paid Service, or a person who as respects all or most of the duties of their post is required to report directly or is directly accountable to the local authority themselves, (except a person

whose duties are solely secretarial or clerical or are otherwise in the nature of support services) – the Council’s Joint Strategic Directors are designated Non-statutory Chief Officers;

1.1.11 ‘Deputy Chief Officer’ means, in accordance with section 2(8) Local Government and Housing Act 1989 a person who, with respect to all or most of the duties of their post, is required to report directly or is directly accountable to one or more of the Statutory or Non-Statutory Chief Officers – the Council’s Joint Executive Heads of Service, other than the Joint Executive Head of Finance are designated Deputy Chief Officers;

1.1.12 ‘Joint Senior Staff Committee’ means a Committee set up in accordance with s102 Local Government Act 1972 between Guildford Borough Council and Waverley Borough Council. The Terms of reference of the Joint Senior Staff Committee can be found in Part 3 of the Council’s constitution.

1.2 Scope of these Procedure Rules

These procedure rules govern the specific arrangements for the recruitment, appointment and disciplinary action (including dismissal) of the Joint Head of Paid Service, the Joint Chief Finance Officer, the Joint Monitoring Officer the Joint Strategic Directors and the Joint Executive Heads of Service.

The function of recruitment, appointment, disciplinary action and dismissal in respect of all other staff must be discharged, on behalf of the Council, by the Head of Paid Service or an Officer nominated by them (in accordance with *paragraph 2 Part II schedule 1 of the 2001 Regulations*).

Such functions will be carried out in accordance with the Council’s Human Resource policies, as adopted from time to time.

1.3 Posts

For ease of reference, the posts which fall under the relevant definitions in these Officer Employment Procedure Rules, at the time of writing, are as follows:

Definition	Relevant Post
Head of Paid Service	Joint Chief Executive
Statutory Chief Officer	Joint Executive Head of Finance
Monitoring Officer	Joint Executive Head of Legal and Democratic Services
Non-Statutory Chief Officers	Joint Strategic Directors
Deputy Chief Officers	Joint Executive Heads of Service, other than the Joint Executive Head of Finance.

2.0 RECRUITMENT

2.1 Declarations

A candidate for any employment with the Council, or a staff member involved in a transfer or promotion, to such a post, shall disclose to the Head of Paid Service, whether they are related to, or cohabit with, any Councillor or other Officer or any other person who may have an influence on the decision to appoint.

Any candidate who fails to disclose such a relationship may be disqualified for appointment and any offer of appointment being rescinded and, if appointed, may be liable to dismissal without notice.

Every Councillor and Senior Officer (being an Officer comprising part of the Joint Management Team) of the Council shall disclose to the Head of Paid Service any

relationship known to exist between them and any person whom they know to be a candidate for an appointment to the Council.

The Head of Paid Service will report to the Monitoring Officer on any such required disclosures made to them.

2.2 Support for Appointment

The Council will disqualify any applicant who directly or indirectly seeks the support of any Councillor or Senior Officer (being an Officer comprising part of the Joint Management Team) for any appointment with the Council.

No Councillor nor Senior Officer (comprising part of the Joint Management Team) shall seek support for any person for any appointment with the Council and shall not provide any written testimonial of a candidate's ability, experience or character for submission to the Council.

2.3 Confidentiality

The Council, the Executive, a Joint Committee, a Committee, a Sub-Committee or a Panel should, unless there are exceptional circumstances which dictate otherwise, resolve to exclude the press and public under Section 100A of the Local Government Act 1972 where matters relating to the appointment, promotion, dismissal or discipline, severance, salary or conditions of an individual member of staff or individual post are to be discussed.

2.4 Process and Procedure

2.4.1 Where the Council proposes to appoint an Officer within the Joint Management Team, being either the Head of Paid Service, the Statutory Chief Officer, the Monitoring Officer, a Non-Statutory Chief Officer or Deputy Chief Officer, and it is not proposed that the appointment will be made exclusively from among their existing Officers, the Head of Paid Service or their delegate will:

- (a) draw up a statement specifying:
 - (i) the duties of the Officer concerned; and
 - (ii) any qualifications or qualities to be sought in the person to be appointed;
- (b) advertise the post in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
- (c) send a copy of the statement mentioned in paragraph (a) above to any person on request.
- (d) Where a post has been advertised as provided in (b) above, the Council will:
 - (i) interview all qualified applicants for the post; or
 - (ii) select a short list of such qualified applicants and interview those included on the short list; or
 - (iii) if no qualified person has applied, the Council will make further arrangements for advertisement in accordance with paragraph (b) above.

3.0 APPOINTMENT

3.1 Appointment of Joint Chief Executive and designation of Head of Paid Service

The Joint Senior Staff Committee will be responsible for the recruitment process and selection of the Head of Paid Service and for making a recommendation to the Council of both Waverley Borough Council and Guildford Borough Council for the appointment of their preferred candidate.

Each Council will be responsible for appointing the Joint Chief Executive and the designation of the Head of Paid Service to the role, and must do so before an offer of such an appointment is made.

The Councils may only make such an appointment following the consultation requirements set out at paragraph 3.5 below.

3.2 Appointment of Joint Strategic Directors

The Joint Senior Staff Committee will also be responsible for the recruitment and selection process of the Joint Strategic Directors and for appointing their preferred candidates.

The Joint Senior Staff Committee may only make such appointments following the consultation requirements set out at paragraph 3.5 below.

3.3 Designation of the Joint Monitoring Officer and Joint Chief Financial Officer

The Joint Senior Staff Committee will also be responsible for the recruitment and selection process of the Joint Monitoring Officer and Joint Chief Financial Officer. The Joint Senior Staff Committee are responsible for making a recommendation to the Council of both Waverley Borough Council and Guildford Borough Council for the designation of the role to their preferred candidate.

Each Council will be responsible for designating an Officer as the Joint Monitoring Officer and as the Joint Chief Finance Officer, and must do so before an offer of any such designation is made.

An offer of employment as Joint Monitoring Officer or Joint Chief Finance Officer may only be made following the consultation requirements set out at paragraph 3.5 below.

3.4 Appointment of Joint Executive Heads of Service

The Head of Paid Service, or their nominated representative, shall be responsible for the function of the appointment of Deputy Chief Officers. The Head of Paid Service's nominated representative may include an Officer of the Council of the appropriate level of seniority, or an external expert, provided that such representative shall have, in the opinion of the Head of Paid Service, the appropriate level of independence, knowledge, expertise and competence.

An offer of employment as a Joint Executive Head of Service may only be made following the consultation requirements set out in paragraph 3.5 below.

3.5 Consultation Requirements for Appointments

In respect of the appointment of the Joint Head of Paid Service, the Joint Monitoring Officer, the Joint Chief Financial Officer, the Joint Strategic Directors and the Joint Executive Heads of Service, the offer of appointment cannot be made until this section has been complied with.

An offer of appointment to any of those Officers, as above, must not be made by the Appointor until:

- (a) The Appointor has notified the Proper Officer of the name of the person to whom the Appointor wishes to make the offer and any other particulars which the Appointor considers are relevant to the appointment, including evidence and reasons for the choice of preferred candidate;
- (b) The Proper Officer has notified every Executive Member of each Council of:
 - (i) the name of the person to whom the Appointor wishes to make the offer, and the reasons why they are the Appointor's preferred candidate, including evidence;

- (ii) any other particulars relevant to the appointment which the Appointor has notified to the Proper Officer; and
- (iii) the period within which any objection to the making of the offer is to be made by the Leader of either Council on behalf of their respective Executive to the Proper Officer; and
- (c) either:
 - (i) the Leader of either Council has, within the period specified in the notice under sub-paragraph (b)(iii), notified the Proper Officer that neither they nor any other Member of their Executive has any objection to the making of the offer; or
 - (ii) the Proper Officer has notified the Appointor that no objection was received by them within that period from the Leader of either Council; or
 - (iii) the Appointor is satisfied that any objection received from the Leader of either Council within that period is not material or is not well-founded.

3.6 Appointment of Senior Officers

Post	Appointment	Conditions
Head of Paid Service	Joint Senior Staff Committee	Requires consultation with each of the Executives and resolution of each full Councils
Statutory Chief Officer (S151)	Joint Senior Staff Committee	Requires consultation with each of the Executives and resolution of each full Councils
Monitoring Officer	Joint Senior Staff Committee	Requires consultation with each of the Executives and approval of each full Councils
Non-Statutory Chief Officers	Joint Senior Staff Committee	Requires consultation with each of the Executives
Deputy Chief Officers	Head of Paid Service or nominee	Requires consultation with each of the Executives

4.0 DISCIPLINARY ACTION

4.1 Disciplinary Action in respect of the Joint Head of Paid Service, Joint Chief Financial Officer and Joint Monitoring Officer

4.1.1 The Joint Senior Staff Committee shall consider any alleged misconduct in respect of the Joint Head of Paid Service, Joint Chief Finance Officer, and Joint Monitoring Officer. The Joint Senior Staff Committee will appoint an external, suitably qualified, experienced and competent, investigator to act as the Investigating Officer to conduct an investigation into the alleged misconduct and report back to the Committee with their Investigator's Report.

4.1.2 In carrying out the investigation the Investigating Officer may:

- (a) Inspect any documents relating to the conduct of the relevant Officer which are in the possession of the Council, or which the Council has the power to authorise them to inspect; and
- (b) Require any Officer or Elected Member to answer questions concerning the conduct of the relevant Officer.

4.1.3 Pending the report of the Investigator the Joint Head of Paid Service, the Joint Monitoring Officer or the Joint Chief Finance Officer may be suspended by the Joint Senior Staff Committee whilst the alleged misconduct by the Officer is investigated. Any such suspension will be for a maximum period of three calendar months, or for

such period as may be necessary to investigate and report on the allegations, and will be on full pay, other than in exceptional circumstances.

- 4.1.4 Following receipt of the report of the Investigating Officer, the Joint Senior Staff Committee will determine any disciplinary action, other than dismissal, to be taken, as necessary, in accordance with any Human Resources Policies which have been adopted by the Council from time to time. The Joint Senior Staff Committee has the authority to impose any disciplinary action, other than dismissal.
- 4.1.5 The Council's Joint Head of Paid Service, Joint Monitoring Officer and Joint Chief Finance Officer cannot be dismissed without a resolution to that effect by each Council, as the full Council of each authority is responsible for the function of dismissal of such an Officer.
- 4.1.6 Should the Joint Senior Staff Committee consider that the relevant disciplinary action to be taken, having considered the Investigator's Report, is dismissal of the Officer, an Independent Panel must be appointed by the authority, or an Officer to whom the task is delegated. Such an Independent Panel will be formed in accordance with the 2015 Regulations, and shall be a committee appointed by the authority under section 102(4) Local Government Act 1972 for the purposes of advising the authority on matters relating to the dismissal of such officers.
- 4.1.7 The authority, or an Officer to whom the task is delegated, will invite Independent Persons who have been appointed for the purposes of the Members' Conduct Regime under section 28(7) of the Localism Act 2011 to form an Independent Panel. An Independent Panel will be formed if two or more Independent Persons accept the invitation.
- 4.1.8 The role of the Independent Panel is to prepare a report for each Council setting out their advice, views and recommendations as to the proposed dismissal.
- 4.1.9 Where dismissal is being considered, a meeting of each full Council must be convened within 20 working days of the Independent Panel being appointed, to consider and determine the matter.
- 4.1.10 A Joint Head of Paid Service, Joint Chief Finance Officer or Joint Monitoring Officer attending a Council meeting where proposed dismissal against them is being considered, is entitled to make both oral and written representations to Council, as is their representative, who may be a colleague, a Union representative, a companion, or a legal representative.
- 4.1.11 Before taking a vote at such a Council meeting on whether or not to approve such a proposed dismissal, the Council must take into account:
- (a) Any advice, views or recommendations of the Independent Panel;
 - (b) The conclusions of any investigation into the alleged misconduct;
 - (c) Any representations from the relevant Officer or their representative.

4.2 Disciplinary Action in respect of Joint Strategic Directors

- 4.2.1 The Joint Senior Staff Committee shall consider any alleged misconduct in respect of the Joint Strategic Directors and will appoint an external, suitably qualified, experienced and competent, investigator to act as the Investigating Officer to conduct an investigation into the alleged misconduct and report back to the Committee with their Investigator's Report.

- 4.2.2 In carrying out the investigation the Investigating Officer may:

- (a) Inspect any documents relating to the conduct of the relevant Officer which are in the possession of the Council, or which the Council has the power to authorise them to inspect; and
- (b) Require any Officer or Elected Member to answer questions concerning the conduct of the relevant Officer.

4.2.3 Pending the report of the Investigator the Joint Strategic Director may be suspended by the Joint Senior Staff Committee whilst the alleged misconduct by the Officer is investigated. Any such suspension will be for a maximum period of three calendar months, or for such period as may be necessary to investigate and report on the allegations, and will be on full pay, other than in exceptional circumstances.

4.2.4 Following receipt of the report of the Investigating Officer, the Joint Senior Staff Committee will determine any disciplinary action, including dismissal, to be taken, as necessary, in accordance with any Human Resources Policies which have been adopted by the Council from time to time. The Joint Senior Staff Committee has the authority to impose any disciplinary action, and shall be responsible for the function of dismissal where appropriate.

4.3 Disciplinary Action in respect of Joint Executive Heads of Service

4.3.1 The Joint Head of Paid Service or their nominated representative, will investigate any alleged misconduct in respect of Deputy Chief Officers, as necessary, in accordance with any Human Resources Policies which have been adopted by the Council from time to time.

4.3.2 The Joint Head of Paid Service’s nominated representative may include an Officer of the Council, of the appropriate level of seniority, or an external expert, provided that such representative shall have, in the opinion of the Head of Paid Service, the appropriate level of independence, knowledge, expertise and competence.

4.3.3 Pending the outcome of such investigation the Deputy Chief Officer may be suspended by the Joint Head of Paid Service or their nominated representative. Such suspension will be for no longer than 3 calendar months, or for such period as may be necessary to investigate and report on the allegations, and will be on full pay, other than in exceptional circumstances.

4.3.4 Subject to paragraph 4.4 below, the Joint Head of Paid Service, or a representative nominated by them, shall decide upon any disciplinary action to be taken, following a disciplinary hearing, and shall be responsible for the function of dismissal, where appropriate, of Deputy Chief Officers. Such nominated representative may not be the same individual responsible for the investigation into alleged misconduct and must be wholly independent from that individual.

4.4 Disciplinary Action of Senior Officers

Post	Investigation	Notes	Appeal
Head of Paid Services, Chief Finance Officer and Monitoring Officer	Investigating Officer appointed by the Joint Senior Staff Committee who presents findings to Joint Senior Staff Committee who have the power to impose disciplinary action other than dismissal	Decision to dismiss must be taken by Council, following consideration of the views of the Independent Panel and consultation with the Executives of each Council.	None

Non-Statutory Chief Officers	Investigating Officer appointed by the Joint Senior Staff Committee who presents findings to Joint Senior Staff Committee who have the power to impose disciplinary action including dismissal.	Decision to dismiss is the responsibility of the Joint Senior Staff Committee but may only be taken following consultation with the Executives of each Council.	None
Deputy Chief Officers	Head of Paid Service or their representative	Decision to dismiss may only be taken following consultation with the Executives of each Councils.	Joint Head of Paid Services or their representative provided such individual played no part in the investigation.

4.5 Consultation Requirements for Dismissals

4.5.1 This provision applies to the dismissal of The Head of Paid Service, the Chief Financial Officer, the Monitoring Officer, Non-Statutory Chief Officers, and Deputy Chief Officers.

4.5.2 Notice of dismissal of any of those Officers must not be given by the Dismissor until:

- (a) the Dismissor has notified the Proper Officer of the name of the person whom the Dismissor wishes to dismiss and any other particulars which the Dismissor considers are relevant to the dismissal, including a summary of the evidence heard at the disciplinary hearing and the reasons for the proposed decision;
- (b) the Proper Officer has notified every Executive Member of both Councils of:
 - (i) the name of the person whom the Dismissor wishes to dismiss and the reasons for the decision;
 - (ii) any other particulars relevant to the dismissal which the Dismissor has notified to the Proper Officer; and
 - (iii) the period within which any objection to the dismissal is to be made by the Executive Leader of either Council on behalf of their respective Executive to the Proper Officer; and
- (c) either:
 - (i) the Executive Leader of either Authority has, within the period specified in the notice under subparagraph (b)(iii), notified the Proper Officer that neither they nor any other Member of their Executive has any objection to the dismissal;
 - (ii) the Proper Officer has notified the Dismissor that no objection was received by them within that period from either Executive Leader; or
 - (iii) the Dismissor is satisfied that any objection received from an Executive Leader within that period is not material or is not well-founded.

4.6 Appeals

4.6.1 The Joint Head of Paid Service, Joint Chief Finance Officer, Joint Monitoring Officer and Joint Strategic Directors shall have no right of appeal against disciplinary action.

- 4.6.2 Deputy Chief Officers who feel that the outcome of any Disciplinary Action against them is wrong or unjust may appeal in accordance with any relevant Council Staffing Policies to the Joint Head of Paid Service or their nominated representative.

The Joint Head of Paid Service's nominated representative may include an Officer of the Council, of the appropriate level of seniority, or an external expert, provided that such representative shall have, in the opinion of the Head of Paid Service, the appropriate level of independence, knowledge, expertise and competence. Such nominated representative must not be the same individual responsible for carrying out the investigation into the alleged misconduct, nor the same individual responsible for deciding upon the disciplinary action, and must be wholly independent from those individuals.

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**GUILDFORD BOROUGH COUNCIL AND WAVERLEY BOROUGH COUNCIL
JOINT APPOINTMENTS COMMITTEE
COMPOSITION AND TERMS OF REFERENCE**

This Joint Committee is to be established in accordance with Section 102 (1) (b) of the Local Government Act 1972 (Appointment of committees)

MEMBERS: 6

The Joint Appointments Committee shall comprise the respective Leaders of both councils plus two members appointed by Guildford Borough Council and two members appointed by Waverley Borough Council (one of whom will be the Leader of Waverley's Principal Opposition Group)

Appointments shall be made in accordance with the Local Government (Committees and Political Groups) Regulations 1990

QUORUM: 3 (subject to each council being represented at a meeting by at least 1 member)

PLACE OF MEETINGS: The venue for meetings of the Joint Appointments Committee shall normally alternate between the two councils with the host Leader chairing the meeting. The venue for the first meeting shall be at Waverley Borough Council offices.

CHAIRMAN: The Joint Appointments Committee shall be chaired alternately between the councils by their respective Leaders

GENERAL ROLE: Adopting and exercising such of the functions of Guildford Borough Council and Waverley Borough Council ("the councils") as can be delegated by those councils in respect of the appointment of the councils' Joint Chief Executive/Head of Paid Service and any Joint Statutory Officer and Director posts as are covered by the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended) or any successor regulations

FREQUENCY OF MEETINGS: As and when required

SUBSTITUTES: Substitutes may be appointed. Guildford Borough Council may appoint two substitute members. Waverley Borough Council may appoint two

substitute members, with one being nominated by the Leader of the council, and one nominated by the Leader of Waverley's Principal Opposition Group.

ROLE AND FUNCTION:

Appointment of Joint Chief Executive/Head of Paid Service

- (i) Subject to (ii) below, to undertake and determine on behalf of the councils all aspects of the process for the recruitment and selection of the Joint Chief Executive/Head of Paid Service, including final approval of the terms and conditions of employment (based on current provisions) for that post
- (ii) The final decision as to the appointment of the joint Chief Executive/Head of Paid Service shall be reserved to full meetings of both councils, and subject to no material or well-founded objection to the making of an offer of appointment being received by either Leader on behalf of their respective executives
- (iii) To determine pension discretions relating to the Joint Chief Executive/ Head of Paid Service
- (iv) To consider any financial settlement of an affected employee who is unsuccessful in respect of the selection of the Joint Chief Executive/Head of Paid Service, and to make recommendations as appropriate for formal approval by each council
- (v) To confirm into post, or otherwise, the successful candidate following any probationary or trial period
- (vi) To be responsible for ad-hoc employment matters affecting the Joint Chief Executive/Head of Paid Service post, including consideration and determination of any 'cost of living' pay award

Appointment of any Joint Statutory Officer¹ posts

- (i) Subject to (ii) below, to undertake and determine on behalf of the councils all aspects of the process for the appointment of any Joint Statutory Officer posts
- (ii) The final decision as to the appointment of any Joint Statutory Officer posts shall be reserved to full meetings of both councils and, where the provisions of Part II

¹ Section 151/Chief Finance Officer and Monitoring Officer

of Schedule 2 to the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended) apply to any such appointment, subject to no material or well-founded objection to the making of an offer of appointment being received by either Leader on behalf of their respective executives

- (iii) To determine pension discretions relating to any Joint Statutory Officer posts
- (iv) To consider any financial settlement of an affected employee who is unsuccessful in respect of the selection of any Joint Statutory Officer posts, and where necessary to make recommendations as appropriate for formal approval by each council
- (v) To be responsible for ad-hoc employment matters affecting any Joint Statutory Officer posts

Appointment of any Joint Directors

- (i) Subject to (ii) below, to undertake and determine on behalf of the councils all aspects of the process for the appointment of any Joint Directors
- (ii) The appointment of any Joint Directors shall be subject to no material or well-founded objection to the making of an offer of appointment being received by either Leader on behalf of their respective executives
- (iii) To determine pension discretions relating to any Joint Directors
- (iv) To consider any financial settlement of an affected employee who is unsuccessful in respect of the selection and appointment of any Joint Directors, and where necessary to make recommendations as appropriate for formal approval by each council
- (vii) To be responsible for ad-hoc employment matters affecting any Joint Director posts

SERVICING THE JOINT APPOINTMENTS COMMITTEE: The Joint Appointments Committee shall be serviced by committee staff from the council hosting the relevant meeting.

MEETINGS OF THE JOINT APPOINTMENTS COMMITTEE SHALL BE CONDUCTED IN ACCORDANCE WITH THE FOLLOWING PROCEDURE:

1. A meeting of the Joint Appointments Committee shall be summoned by the relevant officer of the Council hosting the meeting who shall give a minimum of five clear working days' notice (or less in the case of urgency)
2. Meetings of the Joint Appointments Committee shall be held in public except in so far as the matters for decision relate to issues which can be dealt with in private in accordance with Section 100A (4) and (5) of the Local Government Act 1972 (as amended)
3. The Joint Appointments Committee shall have no function or power delegated to it in any circumstance where a majority decision cannot be made without the need for the chairman or person presiding having to exercise their second or casting vote
4. The order of business at meetings of the Joint Appointments Committee shall include the following:
 - (a) Apologies for Absence
 - (b) Disclosures of Interest
 - (c) Adoption of the Minutes of the previous meeting
 - (d) Matters set out in the agenda for the meeting
 - (e) Matters not set out in the agenda for the meeting but which the chairman agrees pursuant to Section 100B (4) (b) of the Local Government Act 1972 (as amended) should be considered at the meeting as a matter of urgency
5. Any matter will be decided by a simple majority of those members of the Joint Appointments Committee present and voting at the time the question was put. A vote shall be taken either by show of hands or, if there is no dissent, by the affirmation of the meeting

GUILDFORD BOROUGH COUNCIL AND WAVERLEY BOROUGH COUNCIL
JOINT ~~APPOINTMENTS~~ SENIOR STAFF COMMITTEE
COMPOSITION AND TERMS OF REFERENCE

This Joint Senior Staff Committee is to be established in accordance with Section 102 (1) (b) of the Local Government Act 1972 (Appointment of committees).

1.0 MEMBERS: ~~6~~

The Joint ~~Appointments~~ Senior Staff Committee shall comprise 6 members, being the respective Leaders of ~~each~~ both ~~Councils~~ plus two members appointed by Guildford Borough Council (one of whom shall be the Leader of the principal Opposition Group) and two members appointed by Waverley Borough Council (one of whom ~~shall be~~ will be the Leader of ~~the principal~~ Waverley's Principal Opposition Group). The Committee shall be politically balanced for each Council in accordance with the provisions of the Local Government and Housing Act 1989.

2.0 APPOINTMENT

Appointments shall be made in accordance with the Local Government (Committees and Political Groups) Regulations 1990.

3.0 QUORUM:

The quorum for a meeting of the Joint Senior Staff Committee shall be 3 members (subject to each ~~Council~~ being represented at any meeting by at least 1 member)

4.0 PLACE-TIME & LOCATION OF MEETINGS:

The venue and commencement time for meetings of the Joint ~~Appointments~~ Senior Staff Committee shall be determined by the Joint Monitoring Officer in consultation with the Leader of each Council, and shall normally alternate between the Civic Office of each ~~two~~ ~~Councils,~~ with the host Leader chairing the meeting. ~~The venue for the first meeting shall be at Waverley Borough Council offices~~

5.0 CHAIRMAN

~~The~~ Joint ~~Appointments~~ Senior Staff Committee shall be chaired by the Leader of the Council at whose civic office the meeting is held. ~~alternately between the councils by their respective Leaders~~ In their absence the meeting will be chaired by the Leader of the Council not hosting the meeting. In the absence of both Leaders, the chair will be elected by the meeting on the basis of a majority vote.

6.0 VOTING

Decisions of the Joint Senior Staff Committee shall be made by a majority vote of those members present and voting. A vote will be taken either by way of a show of hands or by electronic means. The Chairman shall have no second or casting vote. In circumstances where a majority decision cannot be made by the Joint Senior Staff Committee, the delegation of powers and function to the Committee, relating to that decision, will immediately cease. Any such decision will be referred to each Council for determination.

7.0 GENERAL ROLE:

Adopting and exercising such of the functions of Guildford Borough Council and Waverley Borough Council ("the Councils") as can be delegated by those Councils in respect of the appointment and disciplinary action relating to the Councils' Joint Chief Executive, Joint Chief Officers and Joint Deputy Chief Officers of the councils' Joint Chief Executive/Head of Paid Service and any Joint Statutory Officer and Director posts as provided for by are covered by the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended) or any successor regulations.

8.0 FREQUENCY OF MEETINGS

Meetings will be arranged by the Joint Monitoring Officer in consultation with the Leader of each Council, on such occasions as is necessary to determine any business within its terms of reference. As and when required

9.0 SUBSTITUTE MEMBERS:

In the event of an appointed Councillor being unable to attend any meeting of the Joint Senior Staff Committee, the relevant Political Group Leader may appoint a Substitute Member, from the same Council, provided that prior written notice of such substitution is given to the Monitoring Officer by 5pm the working day prior to the meeting. Substitutes may be appointed. Guildford Borough Council may appoint two substitute members. Waverley Borough Council may appoint two substitute members, with one being nominated by the Leader of the council, and one nominated by the Leader of Waverley's Principal Opposition Group.

10.0 DELEGATION

The Joint Senior Staff Committee may arrange for the discharge of their functions by an Officer and in doing so will set out clearly any limits upon such delegation.

11.0 WORKING GROUPS

The Joint Senior Staff Committee may establish working groups to assist them in their work and in doing so will set clear terms of reference for them. Such working groups shall not be decision-making bodies.

12.0 SUB-COMMITTEES

The Joint Senior Staff Committee may establish sub-committees consisting solely of the Members of one Council, to consider matters relating to that Council.

13.0 OFFICER EMPLOYMENT PROCEDURE RULES

The Joint Senior Staff Committee shall operate in compliance with the Officer Employment Procedure Rules adopted by each Council into their Constitution.

14.0 FUNCTIONS AND RESPONSIBILITIES~~ROLE AND FUNCTION:~~

Appointment of 14.1 Joint Chief Executive/Head of Paid Service

- (i) Subject to (ii) below, to undertake and determine on behalf of the Councils all aspects of the process for the recruitment and selection of the Joint Chief Executive/Head of Paid Service, including final approval of the terms and conditions of employment (based on current provisions) for that post.
- (ii) The final decision as to the appointment of the joint Chief Executive/Head of Paid Service shall be reserved to ~~full meetings of both each~~ Councils, and subject to no material or well-founded objection to the making of an offer of appointment being received by ~~either the~~ Leader of either Council on behalf of their respective Executives.
- (iii) To determine pension discretions relating to the Joint Chief Executive/ Head of Paid Service.
- (iv) To consider any financial settlement of an affected employee who is unsuccessful in respect of the selection of the Joint Chief Executive/Head of Paid Service, and to make recommendations as appropriate for formal approval by each Council.
- (v) To confirm into post, or otherwise, the successful candidate following any probationary or trial period.

(vi) To be responsible for ad-hoc employment matters affecting the Joint Chief Executive/Head of Paid Service post, including consideration and determination of any 'cost of living' pay award.

(vii) To be responsible, subject to (viii) below for any disciplinary action regarding the Joint Chief Executive / Head of Paid Service.

~~(vi)~~(viii) The final decision to dismiss the Joint Chief Executive / Head of Paid Service shall be reserved to each Council and shall be subject to no material or well-founded objection to the proposed dismissal being received by the Leader of either Council on behalf of their respective Executives.

Appointment of any 14.2 Joint Statutory Officer¹ posts

- (i) Subject to (ii) below, to undertake and determine on behalf of the Ccouncils all aspects of the process of recruitment and selection~~for the appointment~~ of any Joint Statutory Officer posts.
- (ii) The final decision as to the appointment of any Joint Statutory Officer posts shall be reserved to full meetings of both each C-councils and, ~~where the provisions of Part II of Schedule 2 to the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended) apply to any such appointment,~~ subject to no material or well-founded objection to the making of an offer of appointment being received by ~~either the~~ Leader of either Council on behalf of their respective ~~e~~Executives
- (iii) To determine pension discretions relating to any Joint Statutory Officer posts.
- (iv) To consider any financial settlement of an affected employee who is unsuccessful in respect of the selection of any Joint Statutory Officer posts, and where necessary to make recommendations as appropriate for formal approval by each Ccouncil.
- (v) To be responsible for ad-hoc employment matters affecting any Joint Statutory Officer posts.
- (vi) To be responsible, subject to (vii) below, for any disciplinary action regarding any Joint Statutory Officer.

¹ Section 151/Chief Finance Officer and Monitoring Officer

~~(v)~~(vii) The final decision to dismiss any Joint Statutory Officer shall be reserved to each Council and shall be subject to no material or well-founded objection to the proposed dismissal being received by the Leader of either Council on behalf of their respective Executives.

Appointment of any 14.3 Joint Strategic Directors

- (i) Subject to (ii) below, to undertake and determine on behalf of the Councils all aspects of the process for the appointment of any Joint Strategic Directors.
- (ii) The appointment of any Joint Strategic Directors shall be subject to no material or well-founded objection to the making of an offer of appointment being received by ~~either the~~ Leader of either Council on behalf of their respective Executives.
- (iii) To determine pension discretions relating to any Joint Strategic Directors.
- (iv) To consider any financial settlement of an affected employee who is unsuccessful in respect of the selection and appointment of any Joint Strategic Directors, and where necessary to make recommendations as appropriate for formal approval by each Council.
- (v) To be responsible for ad-hoc employment matters affecting any Joint Strategic Director post_s.
- (vi) To be responsible, subject to vii) below, for any disciplinary action regarding any Joint Strategic Director.
- (vii) The dismissal of any Joint Strategic Director shall be subject to no material or well-founded objection to the proposed dismissal being received by the Leader of either Council on behalf of their respective Executives.

15.0 SERVICING THE JOINT SENIOR STAFF APPOINTMENTS COMMITTEE:

The Joint Senior Staff Appointments Committee shall be serviced by staff as agreed between the Democratic Services Managers of each Council. ~~committee staff from the council hosting the relevant meeting.~~

The Joint Senior Staff Committee will be supported by professional advisors including legal advisors or human resources advisors as appropriate. The views of such advisors must be taken into account.

**16.0 MEETINGS OF THE JOINT ~~APPOINTMENTS SENIOR STAFF~~ COMMITTEE
SHALL BE CONDUCTED IN ACCORDANCE WITH THE FOLLOWING PROCEDURE:**

1. A meeting of the Joint ~~Appointments-Senior Staff~~ Committee shall be summoned by the ~~Joint Monitoring Officer~~~~relevant officer of the Council hosting the meeting~~ who shall give a minimum of five clear working days' notice (or less in the case of urgency).
2. Meetings of the Joint ~~Appointments-Senior Staff~~ Committee shall be held in public except in so far as the matters for decision relate to issues which can be dealt with in private in accordance with Section 100A (4) and (5) of the Local Government Act 1972 (as amended) ~~and the Committee resolve to exclude the public.~~

~~The Joint Appointments Committee shall have no function or power delegated to it in any circumstance where a majority decision cannot be made without the need for the chairman or person presiding having to exercise their second or casting vote~~

3. The order of business at meetings of the Joint ~~Appointments-Senior Staff~~ Committee shall include the following:
 - (a) Apologies for Absence ~~and notification of~~ ~~Substitute Members;~~
 - (b) ~~Disclosures-Declarations~~ of Interests;
 - (c) ~~Agreement and a~~ adoption of the Minutes of the previous meeting;
 - (d) Matters set out in the agenda for the meeting;
 - (e) Matters not set out in the agenda for the meeting but which the chairman agrees pursuant to Section 100B (4) (b) of the Local Government Act 1972 (as amended) should be considered at the meeting as a matter of urgency.
4. ~~Any matter will be decided by a simple majority of those members of the Joint Appointments Committee present and voting at the time the question was put. A vote shall be taken either by show of hands or, if there is no dissent, by the affirmation of the meeting~~

**GUILDFORD BOROUGH COUNCIL AND WAVERLEY BOROUGH COUNCIL
JOINT SENIOR STAFF COMMITTEE
TERMS OF REFERENCE**

The Joint Senior Staff Committee is to be established in accordance with Section 102 (1) (b) of the Local Government Act 1972 (Appointment of committees).

1.0 MEMBERSHIP

The Joint Senior Staff Committee shall comprise 6 Councillors, being the respective Leader of each Council plus two Councillors appointed by Guildford Borough Council (one of whom shall be the Leader of the principal Opposition Group) and two Councillors appointed by Waverley Borough Council (one of whom shall be the Leader of the principal Opposition Group). The Committee shall be politically balanced for each Council in accordance with the provisions of the Local Government and Housing Act 1989.

2.0 APPOINTMENT

Appointments shall be made in accordance with the Local Government (Committees and Political Groups) Regulations 1990.

3.0 QUORUM

The quorum for a meeting of the Joint Senior Staff Committee shall be 3 members (subject to each Council being represented at any meeting by at least 1 member).

4.0 TIME & LOCATION OF MEETINGS

The venue and commencement time for meetings of the Joint Senior Staff Committee shall be determined by the Joint Monitoring Officer in consultation with the Leader of each Council, and shall normally alternate between the Civic Office of each Council.

5.0 CHAIRMAN

The Joint Senior Staff Committee shall be chaired by the Leader of the Council at whose civic office the meeting is held. In their absence the meeting will be chaired by the Leader of the Council not hosting the meeting. In the absence of both Leaders, the chair will be elected by the meeting on the basis of a majority vote.

6.0 VOTING

Decisions of the Joint Senior Staff Committee shall be made by a majority vote of those members present and voting. A vote will be taken either by way of a show of hands or by electronic means. The Chairman shall have no second or casting vote. In circumstances

where a majority decision cannot be made by the Joint Senior Staff Committee, the delegation of powers and function to the Committee, relating to that decision, will immediately cease. Any such decision will be referred to each Council for determination.

7.0 ROLE

Adopting and exercising such of the functions of Guildford Borough Council and Waverley Borough Council (“the Councils”) as can be delegated by those Councils in respect of the appointment and disciplinary action relating to the Councils’ Joint Chief Executive, Joint Chief Officers and Joint Deputy Chief Officers as provided for by the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended) or any successor regulations.

8.0 FREQUENCY OF MEETINGS

Meetings will be arranged by the Joint Monitoring Officer in consultation with the Leader of each Council, on such occasions as is necessary to determine any business within its terms of reference.

9.0 SUBSTITUTE MEMBERS

In the event of an appointed Councillor being unable to attend any meeting of the Joint Senior Staff Committee, the relevant Political Group Leader may appoint a Substitute Member, from the same Council, provided that prior written notice of such substitution is given to the Monitoring Officer by 5pm the working day prior to the meeting.

10.0 DELEGATION

The Joint Senior Staff Committee may arrange for the discharge of their functions by an Officer and in doing so will set out clearly any limits upon such delegation.

11.0 WORKING GROUPS

The Joint Senior Staff Committee may establish working groups to assist them in their work and in doing so will set clear terms of reference for them. Such working groups shall not be decision-making bodies.

12.0 SUB-COMMITTEES

The Joint Senior Staff Committee may establish sub-committees consisting solely of the Members of one Council, to consider matters relating only to that Council.

13.0 OFFICER EMPLOYMENT PROCEDURE RULES

The Joint Senior Staff Committee shall operate in compliance with the Officer Employment Procedure Rules adopted by each Council into their Constitution.

14.0 FUNCTIONS AND RESPONSIBILITIES

14.1 Joint Chief Executive/Head of Paid Service

- (i) Subject to (ii) below, to undertake and determine on behalf of the Councils all aspects of the process for the recruitment and selection of the Joint Chief Executive/Head of Paid Service, including final approval of the terms and conditions of employment (based on current provisions) for that post.
- (ii) The final decision as to the appointment of the joint Chief Executive/Head of Paid Service shall be reserved to each Council, and subject to no material or well-founded objection to the making of an offer of appointment being received by the Leader of either Council on behalf of their respective Executives.
- (iii) To determine pension discretions relating to the Joint Chief Executive/ Head of Paid Service.
- (iv) To consider any financial settlement of an affected employee who is unsuccessful in respect of the selection of the Joint Chief Executive/Head of Paid Service, and to make recommendations as appropriate for formal approval by each Council.
- (v) To confirm into post, or otherwise, the successful candidate following any probationary or trial period.
- (vi) To be responsible for ad-hoc employment matters affecting the Joint Chief Executive/Head of Paid Service post, including consideration and determination of any 'cost of living' pay award.
- (vii) To be responsible, subject to viii) below for any disciplinary action regarding the Joint Chief Executive / Head of Paid Service.
- (viii) The final decision to dismiss the Joint Chief Executive / Head of Paid Service shall be reserved to each Council and shall be subject to no material or well-founded objection to the proposed dismissal being received by the Leader of either Council on behalf of their respective Executives.

14.2 Joint Statutory Officer¹ posts

- (i) Subject to (ii) below, to undertake and determine on behalf of the Councils all aspects of the process of recruitment and selection of any Joint Statutory Officer post.
- (ii) The final decision as to the appointment of any Joint Statutory Officer posts shall be reserved to each Council and, subject to no material or well-founded objection to the making of an offer of appointment being received by the Leader of either Council on behalf of their respective Executives
- (iii) To determine pension discretions relating to any Joint Statutory Officer posts.
- (iv) To consider any financial settlement of an affected employee who is unsuccessful in respect of the selection of any Joint Statutory Officer posts, and where necessary to make recommendations as appropriate for formal approval by each Council.
- (v) To be responsible for ad-hoc employment matters affecting any Joint Statutory Officer posts.
- (vi) To be responsible, subject to (vii) below, for any disciplinary action regarding any Joint Statutory Officer.
- (vii) The final decision to dismiss any Joint Statutory Officer shall be reserved to each Council and shall be subject to no material or well-founded objection to the proposed dismissal being received by the Leader of either Council on behalf of their respective Executives.

14.3 Joint Strategic Directors

- (i) Subject to (ii) below, to undertake and determine on behalf of the Councils all aspects of the process for the appointment of any Joint Strategic Director.
- (ii) The appointment of any Joint Strategic Director shall be subject to no material or well-founded objection to the making of an offer of appointment being received by the Leader of either Council on behalf of their respective Executives.

¹ Section 151/Chief Finance Officer and Monitoring Officer

- (iii) To determine pension discretions relating to any Joint Strategic Director.
- (iv) To consider any financial settlement of an affected employee who is unsuccessful in respect of the selection and appointment of any Joint Strategic Director, and where necessary to make recommendations as appropriate for formal approval by each Council.
- v) To be responsible for ad-hoc employment matters affecting any Joint Strategic Director post.
- vi) To be responsible, subject to vii) below, for any disciplinary action regarding any Joint Strategic Director.
- vii) The dismissal of any Joint Strategic Director shall be subject to no material or well-founded objection to the proposed dismissal being received by the Leader of either Council on behalf of their respective Executives.

15.0 SERVICING THE JOINT SENIOR STAFF COMMITTEE

The Joint Senior Staff Committee shall be serviced by staff as agreed between the Democratic Services Managers of each Council.

The Joint Senior Staff Committee will be supported by professional advisors including legal advisors or human resources advisors as appropriate. The views of such advisors must be taken into account.

16.0 MEETINGS OF THE JOINT SENIOR STAFF COMMITTEE SHALL BE CONDUCTED IN ACCORDANCE WITH THE FOLLOWING PROCEDURE:

1. A meeting of the Joint Senior Staff Committee shall be summoned by the Joint Monitoring Officer who shall give a minimum of five clear working days' notice (or less in the case of urgency).
2. Meetings of the Joint Senior Staff Committee shall be held in public except in so far as the matters for decision relate to issues which can be dealt with in private in accordance with Section 100A (4) and (5) of the Local Government Act 1972 (as amended) and the Committee resolve to exclude the public.

3. The order of business at meetings of the Joint Senior Staff Committee shall include the following:

- (a) Apologies for Absence and Substitute Members;
- (b) Declarations of Interests;
- (c) Agreement and adoption of the Minutes of the previous meeting;
- (d) Matters set out in the agenda for the meeting;
- (e) Matters not set out in the agenda for the meeting but which the chairman agrees pursuant to Section 100B (4) (b) of the Local Government Act 1972 (as amended) should be considered at the meeting as a matter of urgency.

Guildford Borough Council

Report to: Council

Date: 23 January 2024

Ward(s) affected: All

Report of Director: Transformation and Governance

Author: Susan Sale, Joint Executive Head of Legal & Democratic Services

Tel: 01483 444022

Email: susan.sale@guildford.gov.uk

Report Status: Open

Amendments to the Guildford Borough Council and Waverley Borough Council Pre-Election Publicity & Decision-Making Policy

1. Executive Summary

- 1.1 A report was taken to GBC full Council on 5 April 2022 and to WBC full Council on 26 April 2022, recommending the adoption of the current Pre-Election Publicity Policy, a copy of which is attached as **Appendix 1** to this report. The policy is identical for both councils.
- 1.2 The main purpose of the existing policy is to protect the interests of the Council, and to provide guidance to Councillors and Officers on publicity and the use of Council resources during the pre-election period.
- 1.3 A key aspect of the existing Policy is to limit the Council and Committee meetings during the pre-election period. Specifically:

- Regular Full Council, Executive, and Committee meetings (excluding Planning Committee, Licensing Sub-Committee and Licensing Regulatory Sub-Committee) will not be scheduled during the pre-election period;
- Where an unscheduled election is called, meetings scheduled to take place in the pre-election period (other than meetings of the Planning Committee, Licensing Sub-Committee and Licensing Regulatory Sub-Committee) may be cancelled if it is considered by the Joint Chief Executive prudent to do so; and
- Extraordinary Full Council and/or Special Committee meetings will be arranged if, in the opinion of the Joint Chief Executive and Monitoring Officer, it is considered to be in the Council's interests to hold them for urgent items of business.

- 1.4 However, after further careful review and consideration, it is proposed that the Pre-Election Publicity & Decision-Making Policy be amended to provide more flexibility for the Proper Officers of the Council to assess and decide which council meetings can be held during the pre-election period on a case-by-case basis. Such an approach provides the Proper Officers with the flexibility to take into account whether the forthcoming election is in respect of Borough elections, or another election, and the level of political sensitivity around each election which could impact on Council business.
- 1.5 This report recommends the adoption of a revised Pre-Election Period Publicity & Decision-Making Policy, attached as **Appendix 2** to this report with tracked changes, and a clean version of the Policy attached as **Appendix 3**. The amended policy focuses on the Pre-Election published guidance by the former DCLG and LGA which emphasises that councils should continue to discharge normal council business i.e., 'Business as usual'.
- 1.6 This report was considered initially by the Joint Constitutions Review Group (JCRG) at its meeting on 18 December 2023. The JCRG supports the proposed revised Policy, and referred it to the

Corporate Governance & Standards Committee and Waverley's Standards & General Purposes Committee for formal consideration, with a further recommendation that each committee recommends the adoption of the proposed revised Policy to their respective full Council meetings¹.

- 1.7 At its meeting on 8 January 2024, Waverley's Standards & General Purposes Committee, endorsed the recommendation in paragraph 2.1 of this report (see below), subject to the amendment of the fourth bullet point in paragraph 8 of the Policy (see Appendix 3) as follows:
- *“continue with business as usual Council, Executive, and Committee meetings, subject to the proviso that the business to be transacted at those meetings, including motions brought and conduct displayed at those meetings, does not, in the view of the Monitoring Officer, contravene the provisions of this policy”.*
- 1.8 Details of the recommendation of the Corporate Governance & Standards Committee, following its consideration of this report on 18 January 2024, will be included on the Order Paper for the extraordinary Council meeting.

2. Recommendation to Council

Subject to consideration of the recommendation of the Corporate Governance & Standards Committee (18 January 2024) in respect of this matter, the Council is asked to agree the following:

- 2.1 That the revised Pre-Election Publicity & Decision-Making Policy, as set out in Appendix 3 to this report, be adopted for inclusion in the Council's Constitution.

¹ Extraordinary council meetings scheduled for 23 January (Guildford), and 24 January (Waverley)

3. Reason(s) for Recommendation:

- 3.1 To protect the interests of the Council, and to provide guidance to Councillors and Officers on publicity and the use of Council resources during the pre-election period.
- 3.2 To provide further flexibility for the Councils' Proper Officers to assess and decide which council meetings can be held during the pre-election period.

4. Exemption from publication

- 4.1 No part of this report is exempt from publication.

5. Purpose of Report

- 5.1 This report asks the Council to consider the amendments to the Pre-Election Publicity & Decision-Making Policy proposed by the Joint Constitutions Review Group (shown as tracked changes in **Appendix 2**), and to adopt the revised policy (as set out in **Appendix 3**).

6. Strategic Priorities

- 6.1 The recommended revised policy continues to support the Council's strategic priorities including a commitment to open, democratic and participative governance.

7. Background

- 7.1 The pre-election period is the period prior to an election. There are statutory restrictions that apply to Council publicity during the pre-election period.
- 7.2 The Pre-Election Publicity & Decision-Making Policy seeks to ensure that the Council acts lawfully in relation to the use of Council resources in the lead up to an election, to provide guidance to Councillors and Officers and to limit Council and Committee meetings and other decision making which takes place during the pre-election period to those which are strictly necessary and/or business as usual. The pre-election period is the period of approximately 6 weeks prior

to an election. There are statutory restrictions that apply to Council publicity during the pre-election period.

- 7.3 The Council must comply at all times with restrictions outlined in Section 2 of the Local Government Act 1986 which states that councils should “not publish any material which, in whole, or in part, appears to be designed to affect public support for a political party”. Publicity is defined as “any communication, in whatever form, addressed to the public at large or to a section of the public.”
- 7.4 In addition, a Code of Recommended Practice on Local Authority Publicity, published in 2011, makes it clear that particular care should be taken in periods of heightened sensitivity, such as in the run up to an election. The Code of Practice recommends that councils should generally not issue any publicity which seeks to influence voters and that publicity relating to candidates and politicians involved directly in the election should not be published unless expressly authorised by statute.
- 7.5 The Pre-Election Publicity & Decision-Making Policy (‘the Policy’) seeks to ensure that the Council acts lawfully in relation to the use of Council resources in the lead up to an election, to provide guidance to Councillors and Officers and to limit Council and Committee meetings and other decision making which takes place during the pre-election period to those which are strictly necessary and business as usual.
- 7.6 The Policy defines what is covered by ‘publicity’ and sets out in detail what is and is not an acceptable use of Council resources during the pre-election period. Quotes included in press releases and statements issued in response to media enquiries should generally be attributed to Officers during the pre-election period or the Mayor when an elected Councillor response is required. Particular care should be taken by Officers in relation to the Council’s social media accounts during the pre-election period.

8. Equality and Diversity Implications

- 8.1 The Council must have due regard to the requirements of the Public Sector Equality Duty (Equality Act 2010) when making any recommendations concerning governance arrangements. There are no equality and diversity implications arising from this report.

9. Financial Implications

- 9.1 There are no financial implications arising from this report.

10. Legal Implications

- 10.1 The legal position in relation to the legislation and related Code is set out within paragraphs 7.3 and 7.4 of this report. The purpose of policy in any context is to support consistency of decision-making in any area, and in relation to pre-election publicity the policy will continue to support consistency as well as transparency and structure of decision-making in relation to such matters.

11. Human Resource Implications

- 11.1 There are no direct human resource implications arising from this report.

12. Background Papers

- April 2022: Report to GBC Council on the Pre-Election Publicity Policy
- 26 April 2022: Report to WBC Council on the Pre-Election Publicity Policy
- 8 January 2024: Report to Waverley's Standards & General Purposes Committee
- 18 January 2024: Report to Corporate Governance & Standards Committee

13. Appendices

Appendix 1: Current Pre-Election Publicity & Decision-Making Policy
(April 2022)

Appendix 2: Proposed amended Pre-Election Publicity & Decision-Making Policy (with tracked changes December 2023)

Appendix 3: Proposed amended Pre-Election Publicity & Decision-Making Policy (without tracked changes December 2023)

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Pre-election period publicity and decision-making Policy for all Elections conducted in the Borough of Guildford

1. This Policy applies from the date of the publication of the Notice of Election until after polls close being the period when Pre-election Period publicity restrictions apply. This policy restricts the Council and its officers during the pre-election period; it does not fetter candidates and councillors from their own political campaigning when doing so using their own resources.

Statutory requirements

2. There are statutory restrictions that apply to Council publicity before all elections. Although it should be *business as usual* in relation to decision-making, there are also some important sensitivities and conventions that councillors and officers should follow to reduce the risk of legal challenge being brought against the Council.
3. The Council must comply with restrictions outlined in Section 2 of the Local Government Act 1986 ('the Act'). In addition, a Code of Recommended Practice on Local Authority Publicity published in 2011 ("the Code of Practice") makes clear that particular care should be taken in periods of heightened sensitivity, such as in the run up to an election. The Act defines publicity as "**any communication, in whatever form, addressed to the public at large or to a section of the public.**"
4. Section 2 of the Act says that we should "**not publish any material which, in whole, or in part, appears to be designed to affect public support for a political party.**" The Code of Practice recommends that Councils should generally not issue any publicity which seeks to influence voters and that publicity relating to candidates and politicians involved directly in the election should not be published unless expressly authorised by statute.
5. The Code of Practice recommends that communications are issued with care during periods of heightened sensitivity.

Publicity

6. The Council must not issue:
 - proactive publicity of candidates and other politicians involved directly in the elections (this includes a candidate, agent, proposer, seconder, or assenter) who are named in the published Statement of Persons Nominated notice for the elections (but see also the section on the mayoralty below)
 - publicity that deals with controversial issues that could specifically be linked to a relevant issue in the elections. If this cannot be

avoided, the publicity should present issues clearly and fairly with opposing points of views represented.

- publicity that reports views in such a way that clearly identifies them with individual members or groups of members directly involved in the elections.

7. Publicity includes:

- news releases and media enquiries
- emails, online and printed newsletters
- banners, posters, leaflets, booklets and publications
- social media information - such as postings on Facebook or Twitter – including video and audio clips and photographs
- consultation information
- information on our website

8. However, the Council can:

- respond to enquiries from the media provided that the answers given are factual and not party political
- if needed, publish factual information which identifies the names, wards and parties of candidates
- comment on a relevant issue where there is a genuine need for a councillor-level response to an important event outside of the Council's control or in relation to reactive media releases, with a response by a relevant lead officer
- continue with *business as usual* officer decision making and urgent meetings if required.

9. During the pre-election period the Council will avoid:

- **including councillors or persons directly involved in the election in any publicity** other than the factual information referred to above - relevant lead officers may be quoted instead as necessary
- organising photo opportunities or events which could be seen as giving candidates, councillors or other political office holders a platform for political comment
- publications, events or promotions, and postpone them until after the elections if proceeding could give the appearance of seeking to affect support for a political party or candidate involved in the elections

- commenting on matters of political controversy unless to refrain from comment would, in the opinion of the Joint Chief Executive and Monitoring Officer, be harmful to the Council's reputation and best interests
- references in publications to the period the current administration has been in office or to the Council's future commitments, if to do so could be seen to affect support for a political party or candidate involved in the elections

Social media

10. The following guidance applies to all Council social media channels that are managed and monitored by Council officers. These rules apply generally at all times but some need more careful consideration during the pre-election period.

11. Officers must not:

- Share content from political parties, councillors or politicians (but see also the section on the mayoralty below).
- Add content on matters that are politically controversial.
- Post, tweet, or share text, images, or video of political parties, councillors, politicians or subjects that are politically controversial.
- Start a significant digital campaign, unless it can be demonstrated that this was included in the communications schedule before the election was called and is not politically controversial

Decision making and Committee Meetings

12. The principle of the Council carrying on with *business as usual* during the pre-election period is subject to the wider context of pre-election sensitivity as to publicity.

Specifically:

- Regular Full Council, Executive, and Committee meetings (excluding Planning Committee, Licensing Sub-Committee and Licensing Regulatory Sub-Committee) will not be scheduled during the Pre-election Period;
- Where an unscheduled election is called, meetings scheduled to take place in the Pre-election Period (other than meetings of the Planning Committee, Licensing Sub-Committee and Licensing Regulatory Sub-Committee) may be cancelled if it is considered by the Joint Chief Executive prudent to do so; and
- Extraordinary Full Council and/or Special Committee meetings will be arranged if, in the opinion of the Joint Chief Executive and Monitoring Officer,

it is considered to be in the Council's interests to hold them for urgent items of business.

Public Consultation

13. Public consultation exercises should generally not take place during the Pre-election Period, unless not to do so would be harmful to the Council best interests or unlawful.
14. The Joint Chief Executive, in consultation with the Monitoring Officer, will make the final decision in relation to whether a public consultation exercise should take place or not.

Third parties

15. The restrictions on publicity in an election period apply to publicity issued by third parties if they are assisted by Council funding. For example, where it could be shown that Council funding is being used to pay for a charity's publicity, the Council will take reasonable steps to ensure that that organisation complies with this pre-election period policy.

The Mayoralty and Council events

16. The Mayoralty is considered to be politically neutral and where, during the pre-election period, an elected Councillor response is required the Mayor should be the spokesperson.
17. Council communications including Social media posts by and about the Mayor can continue as long as they are not of a political nature.
18. The Council should avoid holding events which could give the appearance of seeking to affect support for a political party or candidate involved in the elections. The Joint Chief Executive, in consultation with the Monitoring Officer, will make the final decision in relation to whether an event should be deferred or not.

Requests for Information

19. The Council is still legally required to respond to requests for information under Freedom of Information and related legislation. The Council should continue to ensure that all requests are treated even-handedly, with no preference shown to a particular group or party.

Elected councillors

20. Please note that the pre-election period restrictions generally relate to the Council and publicity in that period and not to individual councillors.

21. This means that individual councillors or political parties may contact the press directly, respond to their calls and set up their own photo shoots and publicity to promote a candidate or political party in the elections. However, they may not use the Council's resources (including ICT resources and email accounts), premises or facilities to do so. Councillors who breach or attempt to breach the restrictions or who put pressure on officers to break these rules may be in breach of the Councillors' Code of Conduct.

Council officers

22. Officers should take care in responding to requests for ad hoc meetings of a public nature to ensure that they are required only for the proper discharge of the Council's business.
23. Officers should not supply Council photographs or other materials to councillors or anyone directly involved in the election, unless they have verified that they will not be used for campaigning purposes.
24. Officers should exercise caution if invited to any event in which election candidates participate. They should seek the Monitoring Officer's advice in such circumstances.
25. Those officers who are in politically restricted posts must refrain from taking part in canvassing or campaigning for a political candidate or party.
26. *Business as usual* officer decisions may continue be taken. However, politically controversial items may be deferred until after the election if to continue would, in the opinion of the Joint Chief Executive, the Borough Returning Officer and the Monitoring Officer, be harmful to the conduct of the election.

Risks

27. If these rules about publicity are broken, the Council could be subject to legal challenge and, in a worst-case scenario, election results could be invalidated. Officers who fail to observe the rules may be liable to disciplinary action.

By-Elections

28. Although the full pre-election publicity procedures set out in the Policy will not be appropriate for ward by-elections, the Council and its officers will exercise extra caution and may apply some of the principles of this policy.

Useful Links

Agenda item number: 10
Appendix 1

The Code of Recommended Practice on Local Authority Publicity

[Recommended code of practice for local authority publicity - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/421222/Recommended_code_of_practice_for_local_authority_publicity.pdf)

Local Government Association (LGA) – pre-election period overall section

[Pre-election period | Local Government Association](https://www.local.gov.uk/pre-election-period)

LGA short guide to publicity during the pre-election period

[A short guide to publicity during the pre-election period | Local Government Association](https://www.local.gov.uk/pre-election-period)

**Pre-election period publicity and decision-making Policy for
all Elections conducted in the Borough of Waverley/Borough of Guildford**

1. This Policy applies from the date of the publication of the Notice of Election until after polls close being the period when Pre-election Period publicity restrictions apply. This policy restricts the Council and its officers during the pre-election period; it does not fetter candidates and councillors from their own political campaigning when doing so using their own resources.

Statutory requirements

2. There are statutory restrictions that apply to Council publicity before all elections. Although it should be *business as usual* in relation to decision-making, there are also some important sensitivities and conventions that councillors and officers should follow to reduce the risk of legal challenge being brought against the Council.
3. The Council must comply with restrictions outlined in Section 2 of the Local Government Act 1986 ('the Act'). In addition, a Code of Recommended Practice on Local Authority Publicity published in 2011 ("the Code of Practice") makes clear that particular care should be taken in periods of heightened sensitivity, such as in the run up to an election. The Act defines publicity as **"any communication, in whatever form, addressed to the public at large or to a section of the public."**
4. Section 2 of the Act says that we should **"not publish any material which, in whole, or in part, appears to be designed to affect public support for a political party."** The Code of Practice recommends that Councils should generally not issue any publicity which seeks to influence voters and that publicity relating to candidates and politicians involved directly in the election should not be published unless expressly authorised by statute.
5. The Code of Practice recommends that communications are issued with care during periods of heightened sensitivity.

Publicity

6. The Council must not issue:
 - proactive publicity of candidates and other politicians involved directly in the elections (this includes a candidate, agent, proposer, seconder, or assenter) who are named in the published Statement of Persons Nominated notice for the elections (but see also the section on the mayoralty below)
 - publicity that deals with controversial issues that could specifically be linked to a relevant issue in the elections. If this cannot be

avoided, the publicity should present issues clearly and fairly with opposing points of views represented.

- publicity that reports views in such a way that clearly identifies them with individual members or groups of members directly involved in the elections.

7. Publicity includes:

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- emails, online and printed newsletters
- banners, posters, leaflets, booklets and publications
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- consultation information
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8. However, the Council can:

- respond to enquiries from the media provided that the answers given are factual and not party political
- if needed, publish factual information which identifies the names, wards and parties of candidates
- comment on a relevant issue where there is a genuine need for a councillor-level response to an important event outside of the Council's control or in relation to reactive media releases, with a response by a relevant lead officer
- continue with *business as usual* Council, Executive, and Committee meetings, ~~officer decision making and urgent meetings if required~~ subject to the proviso that the business to be transacted at those meetings does not, in the view of the Monitoring Officer, contravene the provisions of this policy.

Commented [JA1]: See para 26 which refers to officer decision making

9. During the pre-election period the Council will avoid:

- **including councillors or persons directly involved in the election in any publicity** other than the factual information referred to above - relevant lead officers may be quoted instead as necessary
- organising photo opportunities or events which could be seen as giving candidates, councillors or other political office holders a platform for political comment

- publications, events or promotions, and postpone them until after the elections if proceeding could give the appearance of seeking to affect support for a political party or candidate involved in the elections
- commenting on matters of political controversy unless to refrain from comment would, in the opinion of the Joint Chief Executive and Monitoring Officer, be harmful to the Council's reputation and best interests
- references in publications to the period the current administration has been in office or to the Council's future commitments, if to do so could be seen to affect support for a political party or candidate involved in the elections.

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- Start a significant digital campaign, unless it can be demonstrated that this was included in the communications schedule before the election was called and is not politically controversial.

Decision making and Committee Meetings

12. The principle of the Council carrying on with *business as usual* during the pre-election period is subject to the wider context of pre-election sensitivity as to publicity. Therefore, depending on the type of election or referendum called, in relation to decision making within the council, the position remains that it is 'business as usual' unless there are very good reasons why this should not be the case.

Specifically:

- Regular Full Council, Executive, and Committee meetings (excluding Planning Committee, Licensing Sub-Committee and Licensing Regulatory Sub-Committee) will be scheduled as usual ~~not be scheduled~~ during the Pre-election Period;

- ~~Meetings of the Regular Full Council, Executive, and other Committees meetings (including extraordinary and special meetings) may be scheduled with the approval of the in consultation with the Joint Chief Executive Officer and Monitoring Officer.~~
- ~~However, any meetings, formal decisions, Council motions or scrutiny projects on issues which are considered to have the potential to be politically contentious may be re-scheduled until after the pre-election period has ended, unless it is required by law to undertake them, or it's necessary to decide the matter to meet a statutory timetable. This will avoid the risk of the decision-making process being skewed or otherwise affected.~~
- Where an unscheduled election is called, meetings scheduled to take place in the Pre-election Period (other than meetings of the Planning Committee, Licensing Sub-Committee and Licensing Regulatory Sub-Committee) **may be cancelled** if it is considered by the ~~Monitoring Officer Joint Chief Executive~~ prudent to do so, ~~and~~
- ~~Extraordinary Full Council and/or Special Committee meetings will be arranged if, in the opinion of the Joint Chief Executive and Monitoring Officer, it is considered to be in the Council's interests to hold them for urgent items of business.~~

Public Consultation

13. Public consultation exercises should generally not take place during the Pre-election Period, unless not to do so would be harmful to the Council best interests or unlawful.
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Pre-Election Period Publicity and Decision-Making Policy for all Elections conducted in the Borough of Waverley / Borough of Guildford

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- publicity that reports views in such a way that clearly identifies them with individual members or groups of members directly involved in the elections.

7. Publicity includes:

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- banners, posters, leaflets, booklets and publications
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- if needed, publish factual information which identifies the names, wards and parties of candidates
- comment on a relevant issue where there is a genuine need for a councillor-level response to an important event outside of the Council's control or in relation to reactive media releases, with a response by a relevant lead officer
- continue with *business as usual* Council, Executive, and Committee meetings, subject to the proviso that the business to be transacted at those meetings does not, in the view of the Monitoring Officer, contravene the provisions of this policy.

9. During the pre-election period the Council will avoid:

- **including councillors or persons directly involved in the election in any publicity** other than the factual information referred to above - relevant lead officers may be quoted instead as necessary
- organising photo opportunities or events which could be seen as giving candidates, councillors or other political office holders a platform for political comment
- publications, events or promotions, and postpone them until after the elections if proceeding could give the appearance of seeking to affect support for a political party or candidate involved in the elections

- commenting on matters of political controversy unless to refrain from comment would, in the opinion of the Chief Executive and Monitoring Officer, be harmful to the Council's reputation and best interests
- references in publications to the period the current administration has been in office or to the Council's future commitments, if to do so could be seen to affect support for a political party or candidate involved in the elections

Social media

10. The following guidance applies to all Council social media channels that are managed and monitored by Council officers. These rules apply generally at all times but some need more careful consideration during the pre-election period.

11. Officers must not:

- Share content from political parties, councillors or politicians (but see also the section on the mayoralty below).
- Add content on matters that are politically controversial.
- Post, tweet, or share text, images, or video of political parties, councillors, politicians or subjects that are politically controversial.
- Start a significant digital campaign, unless it can be demonstrated that this was included in the communications schedule before the election was called and is not politically controversial.

Decision making and Committee Meetings

12. The principle of the Council carrying on with *business as usual* during the pre-election period is subject to the wider context of pre-election sensitivity as to publicity. Therefore, depending on the type of election or referendum called, in relation to decision making within the council, the position remains that it is *business as usual unless there are very good reasons why this should not be the case*.

Specifically:

- Planning Committee, Licensing Sub-Committee and Licensing Regulatory Sub-Committee will be scheduled as usual during the Pre-election Period;

Meetings of the Full Council, Executive, and other Committees (including extraordinary and special meetings) may be scheduled with the approval of the Monitoring Officer.

- However, any meetings, formal decisions, Council motions or scrutiny projects on issues which are considered to have the potential to be politically contentious may be re-scheduled until after the pre-election period has ended, unless it is required by law to undertake them, or it's necessary to decide the matter to meet a statutory timetable.

- Where an unscheduled election is called, meetings scheduled to take place in the Pre-election Period (other than meetings of the Planning Committee, Licensing Sub-Committee and Licensing Regulatory Sub-Committee) may be cancelled if it is considered by the Monitoring Officer prudent to do so.

Public Consultation

13. Public consultation exercises should generally not take place during the Pre-election Period, unless not to do so would be harmful to the Council best interests or unlawful.
14. The Joint Chief Executive, in consultation with the Monitoring Officer, will make the final decision in relation to whether a public consultation exercise should take place or not.

Third parties

15. The restrictions on publicity in an election period apply to publicity issued by third parties if they are assisted by Council funding. For example, where it could be shown that Council funding is being used to pay for a charity's publicity, the Council will take reasonable steps to ensure that that organisation complies with this pre-election period policy.

The Mayoralty and Council events

16. The Mayoralty is considered to be politically neutral and where, during the pre-election period, an elected Councillor response is required the Mayor should be the spokesperson.
17. Council communications including Social media posts by and about the Mayor can continue as long as they are not of a political nature.
18. The Council should avoid holding events which could give the appearance of seeking to affect support for a political party or candidate involved in the elections. The Chief Executive, in consultation with the Monitoring Officer, will make the final decision in relation to whether an event should be deferred or not.

Requests for Information

19. The Council is still legally required to respond to requests for information under Freedom of Information and related legislation. The Council should continue to ensure that all requests are treated even-handedly, with no preference shown to a particular group or party.

Elected councillors

20. Please note that the pre-election period restrictions generally relate to the Council and publicity in that period and not to individual councillors.

21. This means that individual councillors or political parties may contact the press directly, respond to their calls and set up their own photo shoots and publicity to promote a candidate or political party in the elections. However, they may not use the Council's resources (including ICT resources and email accounts), premises or facilities to do so. Councillors who breach or attempt to breach the restrictions or who put pressure on officers to break these rules may be in breach of the Councillors' Code of Conduct.

Council officers

22. Officers should take care in responding to requests for ad hoc meetings of a public nature to ensure that they are required only for the proper discharge of the Council's business.
23. Officers should not supply Council photographs or other materials to councillors or anyone directly involved in the election, unless they have verified that they will not be used for campaigning purposes.
24. Officers should exercise caution if invited to any event in which election candidates participate. They should seek the Monitoring Officer's advice in such circumstances.
25. Those officers who are in politically restricted posts must refrain from taking part in canvassing or campaigning for a political candidate or party.
26. *Business as usual* officer decisions may continue be taken. However, politically controversial items may be deferred until after the election if to continue would, in the opinion of the Chief Executive, the Borough Returning Officer and the Monitoring Officer, be harmful to the conduct of the election.

Risks

27. If these rules about publicity are broken, the Council could be subject to legal challenge and, in a worst-case scenario, election results could be invalidated. Officers who fail to observe the rules may be liable to disciplinary action.

By-Elections

28. Although the full pre-election publicity procedures set out in the Policy will not be appropriate for ward by-elections, the Council and its officers will exercise extra caution and may apply some of the principles of this policy.

Useful Links

The Code of Recommended Practice on Local Authority Publicity
[Recommended code of practice for local authority publicity - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/code-of-recommended-practice-on-local-authority-publicity)

Local Government Association (LGA) – pre-election period overall section
[Pre-election period | Local Government Association](#)

LGA short guide to publicity during the pre-election period
[A short guide to publicity during the pre-period | Local Government Association](#)

Guildford Borough Council

Report to: Council

Date: 23 January 2024

Ward(s) affected: All

Report of Director: Transformation and Governance

Author: Susan Sale, Joint Executive Head of Legal & Democratic Services

Tel: 01483 444022

Email: susan.sale@guildford.gov.uk

Report Status: Open

Guildford Borough Council and Waverley Borough Council Monitoring Officer Protocol

1. Executive Summary

- 1.1 Section 5(1) Local Government and Housing Act 1989 requires every Council to designate an Officer as the Council's Monitoring Officer. The Monitoring Officer is designated by Council and may or may not be an employee of the Council.
- 1.2 As part of the current work programme to update the constitutions of both Guildford Borough Council (GBC) and Waverley Borough Council (WBC), the Joint Executive Head of Legal and Democratic Services has deemed the Monitoring Officer Protocol as a high priority, to ensure that both councils have the proper procedures in place to allow the Monitoring Officer to effectively discharge their statutory obligations.
- 1.3 The law does not prescribe exactly how the Monitoring Officer is to carry out their functions. Therefore, this protocol describes the manner in which the Council expects the Monitoring Officer to

discharge these functions and how it expects Officers and Members to co-operate with the Monitoring Officer in order to enable them to discharge these functions effectively.

- 1.4 This report was considered initially by the Joint Constitutions Review Group (JCRG) at its meeting on 18 December 2023. The JCRG supports the adoption of the proposed Protocol by both councils and has referred it to this Committee and Waverley's Standards & General Purposes Committee for formal consideration, with a further recommendation that each committee recommends the adoption of the proposed Protocol to their respective full Council meetings¹.
- 1.5 The JCRG also felt that similar protocols should be developed for the two other statutory officer posts: Head of Paid Service and the Section 151 (Chief Finance Officer).
- 1.6 At its meeting on 8 January 2024, Waverley's Standards & General Purposes Committee, endorsed the recommendation in paragraph 2.1 of this report (see below), subject to:
 - (a) the amendment of the first bullet point in paragraph 4.0 of the Protocol (see Appendix 1) as follows:
 - *“The Monitoring Officer, rather than the Council, will nominate at least one Officer as Deputy Monitoring Officer, with the power to act as Monitoring Officer where the Monitoring Officer is unable to act as a result of absence, ~~or~~ illness, **or conflict of interest**; and”*
 - (b) the amendment of the sixth bullet point in paragraph 5.2 of the Protocol to reflect the Monitoring Officer being responsible for providing or obtaining legal advice rather than necessarily being the principal legal adviser to the Council.

¹ Extraordinary council meetings scheduled for 23 January (Guildford), and 24 January (Waverley)

- 1.7 Details of the recommendation of the Corporate Governance & Standards Committee, following its consideration of this report on 18 January 2024, will be included on the Order Paper for the extraordinary Council meeting.

2. Recommendation to Council

Subject to consideration of the recommendation of the Corporate Governance & Standards Committee (18 January 2024) in respect of this matter, the Council is asked to agree the following:

- 2.1 That the proposed Monitoring Officer Protocol, as set out in Appendix 1 to this report, be adopted for inclusion in the Council's Constitution.

3. Reasons for Recommendation:

- 3.1 To protect the interests of the Council, and to provide guidance on how it expects Officers and Members to co-operate with the Monitoring Officer in order to enable them to discharge these functions effectively.

4. Exemption from publication

- 4.1 No part of this report is exempt from publication.

5. Purpose of Report

- 5.1 This report asks the Council to adopt the Monitoring Officer Protocol proposed by the Joint Constitutions Review Group, as set out in Appendix 1 to this report.

6. Strategic Priorities

- 6.1 The recommended Monitoring Officer Protocol will support the Council's strategic priorities and commitment to open, democratic and participative governance.

7. Background

7.1 The Monitoring Officer is responsible for ensuring that the Council and its Members act lawfully, do not cause maladministration, and comply with the Code of Conduct for Members. The Monitoring Officer is the Council's primary source of advice on all legal issues, and to Members on their legal obligations, but also has specific statutory duties, such as investigating complaints of Member misconduct and making public report to the Council in cases of illegality.

7.2 The purpose of this protocol is to enable Members to make use of the Monitoring Officer's ability to provide them with practical advice on legality and conduct, by setting out how the Monitoring Officer will carry out their functions. Section 5(1) Local Government and Housing Act 1989 and the Localism Act 2011 requires the Council to designate an Officer as the Council's Monitoring Officer and gives that Officer personal responsibility to:

- Report on actual, and anticipated, illegality within the Council;
- Report cases where the Ombudsman has found maladministration on the part of the Council;
- Maintain the Register of Members' Interests; and
- Administer, assess and investigate complaints of Members' misconduct.

7.3 It is recognised that an effective Monitoring Officer positively engaged in the discharge of the Council's business, is essential to the effective running and sound governance of the Council.

8. Equality and Diversity Implications

8.1 The Council must have due regard to the requirements of the Public Sector Equality Duty (Equality Act 2010) when making any recommendations concerning governance arrangements. There are no equality and diversity implications arising from this report.

9. Financial Implications

9.1 There are no financial implications arising from this report.

10. Legal Implications

10.1 The legal position in relation to the legislation and related Code

- Section 5(2)(a) and (b) Local Government and Housing Act 1989.
- Section 81(1) Local Government Act 2000
- Section 29 Localism Act 2011 (registration of interests).
- Members' Code of Conduct, in accordance with the Localism Act 2011.

11. Human Resource Implications

11.1 There are no direct human resource implications arising from this report. Any appointment to the role of Executive Head of Legal & Democratic Services and designation to the role of Monitoring Officer must be made in accordance with the Officer Employment Procedure Rules at Part 4 of the Constitution.

12. Background Papers

- 8 January 2024: Report to Waverley's Standards & General Purposes Committee
- 18 January 2024: Report to Corporate Governance & Standards Committee

13. Appendices

Appendix 1: Proposed Monitoring Officer Protocol

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PART 5: MONITORING OFFICER PROTOCOL

WAVERLEY BOROUGH COUNCIL / GUILDFORD BOROUGH COUNCIL

MONITORING OFFICER PROTOCOL

1.0 THE MONITORING OFFICER

The Monitoring Officer is responsible for ensuring that the Council and its Members act lawfully, do not cause maladministration, and comply with the Code of Conduct for Members. The Monitoring Officer is the Council's primary source of advice on all legal issues, and to Members on their legal obligations, but also has specific statutory duties, such as investigating complaints of Member misconduct and making public report to the Council in cases of illegality.

The purpose of this protocol is to enable Members to make use of the Monitoring Officer's ability to provide them with practical advice on legality and conduct, by setting out how the Monitoring Officer will carry out their functions.

2.0 INTRODUCTION

The Council recognises that an effective Monitoring Officer, positively engaged in the discharge of the Council's business, is essential to the effective running and sound governance of the Council.

Section 5(1) Local Government and Housing Act 1989 requires the Council to appoint an Officer as the Council's Monitoring Officer and gives that Officer personal responsibility to:

- Report on actual, and anticipated, illegality within the Council; and
- Report cases where the Ombudsman has found maladministration on the part of the Council;

The Localism Act 2011 places a statutory responsibility on the Monitoring Officer to:

- Maintain the Register of Members' Interests; and
- Administer, assess and investigate complaints to Members' misconduct.

The law does not prescribe exactly how the Monitoring Officer is to carry out these functions. Therefore, this protocol describes the manner in which the Council expects the Monitoring Officer to discharge these functions and how it expects Officers and Members to co-operate with the Monitoring Officer in order to enable them to discharge these functions effectively.

3.0 DESIGNATION

The Monitoring Officer is designated by Council and may or may not be an employee of the Council. Where the Monitoring Officer is an employee of the Council and leaves that employment, they automatically cease to be the Monitoring Officer for the Council. The Council may appoint an Officer as Monitoring Officer on an interim basis pending a permanent appointment.

The Council's structure provides for the Executive Head of Legal & Democratic Services to be the Monitoring Officer. Any appointment to the role of Executive Head of Legal & Democratic Services and designation to the role of Monitoring Officer must be made in accordance with the Officer Employment Procedure Rules at Part 4 of the Constitution.

4.0 PERSONAL RESPONSIBILITY

The Monitoring Officer is required to carry out the statutory functions of their post personally, with the exception that:

- The Monitoring Officer, rather than the Council, will nominate at least one Officer as Deputy Monitoring Officer, with the power to act as Monitoring Officer where the Monitoring Officer is unable to act as a result of absence or illness; and

- In respect of the obligations relating to alleged breaches of the Members' Code of Conduct, the Monitoring Officer may arrange for any person to perform all or any of their functions, for example by delegating internally or by instructing an external and independent individual to conduct a particular investigation.
- Whilst the statutory functions are personal to the Monitoring Officer, they may arrange for any Officer to assist them in the discharge of any non-statutory functions.

5.0 FUNCTIONS

The functions of the Monitoring Officer are as follows:

5.1 Statutory Functions

- To report to the Council in any case where they are of the opinion that any proposal, decision or omission by the Council or any of its Committees, Sub-Committees, or any Member or Officer, has given rise to, or is likely to give rise to any illegality, in accordance with section 5(2)(a) Local Government and Housing Act 1989.
- To report to the Council in any case where the Ombudsman, after investigation, has reported that any proposal, decision or omission by the Council or any of its Committees, Sub-Committee, or any Member or Officer, has given rise to maladministration or injustice, in accordance with section 5(2)(b) Local Government and Housing Act 1989.
- To maintain the Register of Member's Interests in accordance with section 81(1) Local Government Act 2000 and section 29 Localism Act 2011, including dealing with sensitive interests under section 32 Localism Act 2011.
- To administer, assess and investigate complaints of allegations of breach of the Members' Code of Conduct, in accordance with the Localism Act 2011.

5.2 Non-Statutory Functions

- To ensure that the Council has effective governance arrangements in place.
- To provide an effective, robust and ongoing programme of elected member training and development.
- To contribute to the corporate management of strategic risks.
- To encourage effective scrutiny of the Council.
- To monitor and uphold the Constitution.
- To act as principal Legal Advisor to the Council.
- To provide advice to Members on conduct and ethics matters generally.
- To consult regularly with the Chief Executive / Head of Paid Service, the Chief Financial Officer and Auditors to identify areas where the probity of the Council can be improved or better protected and to take appropriate action.
- To investigate any applications for dispensation from a Member and to report and recommend to the Council and / or [Standards & General Purposes Committee](#) / [Corporate Governance & Standards Committee](#) as appropriate.
- To report to the Council on resources which they consider they require for the discharge of their functions.

6.0 ADVICE AND DECISIONS

The Monitoring Officer's responsibilities fall into 3 distinct categories:

6.1 Advice

A Member may seek advice from the Monitoring Officer, for example concerning their interests. The Monitoring Officer will provide their advice but ultimately it is for the individual Member to take their own decision as to their conduct in the light of that advice.

6.2 Decisions

Where the proposal, act or omission would cause the Council to act unlawfully, the Monitoring Officer may be required to decide whether there is any illegality that they are required to report to Council which would have the effect of suspending implementation of the action or decision until their report has been considered.

6.3 Advice and Decision

In some case, for example a Member conduct matter, the Monitoring Officer may be obliged to advise a Member whilst also being required to take action as Monitoring Officer.

7.0 SEEKING THE ADVICE OF THE MONITORING OFFICER

The Monitoring Officer will be most effective if they are able to advise on any issue at an early stage of policy formulation or implementation. Officers and Members should therefore routinely consult the Monitoring Officer in respect of new policy proposals and action programmes.

Members and Officers of the Council may consult the Monitoring Officer in confidence in respect of any proposal, decision or omission. Wherever possible, the Monitoring Officer will seek to avoid any illegality or maladministration by identifying alternative means of achieving the objective or rectifying any deficiency. The Monitoring Officer may only make a report on illegality in respect of a proposal public where the relevant Officer or Member progresses the matter despite having been advised not to by the Monitoring Officer. Before reporting to Council on any illegality or maladministration, the Monitoring Officer will consult with the Chief Executive / Head of Paid Service and Chief Financial Officer.

The Monitoring Officer is responsible for advising Members on conduct and ethics matters and any Member can seek the confidential advice of the Monitoring Officer about their own position. Subject to any conflict of interest with the Council, the Monitoring Officer will advise whether

in their view the conduct would amount to a breach of the Code and will not disclose that advice unless required to do so by law or as part of an investigation into an alleged breach of the code.

Members are encouraged to seek the advice of the Monitoring Officer concerning the conduct of another Member, prior to making a formal complaint, and they should do so in writing. The Monitoring Officer may make contact with the Member complained of, before responding.

8.0 INVESTIGATION

The Council expects the Monitoring Officer to investigate matters which give them concern as to possible illegality, maladministration or breach of code of conduct.

Where the Monitoring Officer is considering a complaint of a breach of the code of conduct, they will follow the Council's procedures and arrangements set out for the assessment, investigation and determination of such complaints.

Where the Monitoring Officer considers a complaint of illegality or maladministration and determines that the proposal, act or omission does, or would, give rise to maladministration or illegality, they shall seek to agree an alternative and lawful course of action and/or make a statutory report.

Upon receiving any complaint of illegality, maladministration or breach of the code of conduct, the Monitoring Officer will, where appropriate, seek to resolve the matter amicably and informally, but there may be circumstances where the matter is not appropriate for local resolution, is incapable of so being resolved, or if of such seriousness that a statutory report is an appropriate response.

9.0 REPORTING

Where the Monitoring Officer is of the opinion that illegality or maladministration has occurred or will occur, they will, after consulting

with the Chief Executive / Head of Paid Service and Chief Financial Officer, report to Council. Alternatively, to negate the need for a separate statutory report, they are also able to add their written advice to the report on the matter by any other Council officer, and/or to provide oral advice at any meeting of the Council.

10.0 ADVICE TO INDIVIDUAL MEMBERS

Wherever possible the Monitoring Officer will provide advice to individual Members to support them in the discharge of their responsibilities as a Councillor. The Monitoring Officer will not however provide advice to a political group of the Council. The Monitoring Officer is designated as statutory officer to the Council, rather than to any individual Member or group of Members. Where the Monitoring Officer considers that providing advice to a Member is incompatible with their role as advisor to the Council, they may decline to provide such advice but can, at their discretion, secure such advice from an independent source at the Council's expense.

11.0 MONITORING AND INTERPRETING THE CONSTITUTION

The Monitoring Officer will monitor, and review on a regular basis, the effectiveness and operation of the Council's constitution so as to ensure that the aims and principles of the Constitution are given full effect and that the Constitution enables the Council to discharge its functions effectively.

In order to conduct such monitoring and review, the Monitoring Officer may:

- Consult any Member or Officer, other organisations and stakeholders.
- Observe meetings of Members and/or Officers at any level.
- Undertake an audit trail of a sample of decisions.
- Record and analyse issues raised with them by Members, Officers, the public or stakeholders.

- Compare practices in this Council with those in other comparable authorities, or national examples of best practice.
- Consider any relevant reports and recommendations of the Auditors and other regulatory agencies.

The Monitoring Officer will maintain an up-to-date copy of the Constitution and ensure that it is accessible to Members, Officers and the public and will make such amendments to the Constitution as are necessary to reflect changes of law, decisions made by Council and any other minor and consequential amendments.

The Monitoring Officer is responsible for advising on the interpretation of the Constitution.

12.0 RESOURCES

The Council is required by statute to provide the Monitoring Officer with the resources which they consider are necessary for the fulfilment of their statutory duties.

For the purpose of carrying out their functions, the Monitoring Officer shall be provided with the following resources:

- The right of access to all documents and information held by or on behalf of the Council.
- The right of access to any meetings of Members or Officers of the Council, other than political group meetings.
- The right to require any Officer or Member of the Council to provide an explanation of any matter under investigation.
- A right to report to the Council and to the Executive, including the right to present a written report and to attend and advise verbally.
- The right of access to the Chief Executive / Head of Paid Service and the Chief Financial Officer.
- The right, following consultation with the Chief Executive / Head of Paid Service and the Chief Financial Officer, to notify the Police, the Council's Auditors and other regulatory agencies of their concerns in respect of

any matter and to provide them with information and documents in order to assist them with their statutory functions.

- The right to obtain legal advice at the Council's expense from an independent external source.

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Guildford Borough Council

Council Report

Date: 23 January 2024

Ward(s) affected: n/a

Report of Strategic Director: Transformation & Governance

Author: John Armstrong, Democratic Services & Elections Manager

Tel: 01483 444102

Email: john.armstrong@guildford.gov.uk

Report Status: Open

Selection of Mayor and Deputy Mayor: 2024-25

1. Executive Summary

- 1.1 The Council is asked to consider nominations for the Mayoralty and Deputy Mayoralty of the Borough for the municipal year 2024-25.
- 1.2 The constitutional changes adopted by the Council in April 2014 provide that the Council normally elects the Deputy Mayor appointed at the annual meeting of the Council as Mayor at the next succeeding annual meeting. The Council will therefore be requested to consider formally the nomination of the current Deputy Mayor, Councillor Sallie Barker MBE for the Mayoralty of the Borough for 2024-25.
- 1.3 Group leaders were asked to submit nominations for the Deputy Mayoralty for 2024-25 by no later than 22 December 2023. The only nomination received was:

Councillor Howard Smith.
- 1.4 If there are any further nominations, these will be reported at the meeting.

2. Recommendation to Council

- 2.1 That the Deputy Mayor, Councillor Sallie Barker MBE be nominated for election as the Mayor of the Borough for the 2024-25 municipal year.
- 2.2 That Councillor Howard Smith be nominated for appointment as Deputy Mayor of the Borough for the 2024-25 municipal year.

3. Reason for Recommendation

- 3.1 To make early preparations for the selection of the Mayor and Deputy Mayor for the municipal year 2024-25.

4. Exemption from publication

- 4.1. None

5. Purpose of Report

- 5.1 To ask the Council to consider nominations for election of Mayor and appointment of Deputy Mayor for the municipal year 2024-25.

6. Strategic Priorities

- 6.1 Ensuring that the process for selection of Mayor and Deputy Mayor is undertaken publicly is consistent with the Council's desire to be open and accountable to its residents.

7. Background

Selection of Mayor: 2024-25

- 7.1 The constitutional changes adopted by the Council in 2014 in respect of the Mayoralty provide that the Council normally elects the Deputy Mayor appointed at the annual meeting of the Council as Mayor at the next succeeding annual meeting. The Council is therefore requested to consider formally the nomination of The Deputy Mayor, Councillor Sallie Barker MBE for the Mayoralty of the Borough for 2024-25.

Selection of Deputy Mayor: 2024-25

- 7.2 Group leaders were asked to submit nominations in respect of the appointment of Deputy Mayor for 2024-25. One nomination was received:

Councillor Howard Smith

Any other nominations received will be reported at the meeting.

- 7.3 The Council is asked to consider this matter to enable early preparations to be made for the formal election of the Mayor and appointment of Deputy Mayor for 2024-25 at the Council's annual meeting on 8 May 2024. This gives them time to make the necessary adjustments to their personal and professional lives in order to prepare for their forthcoming mayoral/deputy mayoral years and will provide plenty of time to enable appropriate training or refresher training to be given to the respective nominees.

8. Financial Implications

- 8.1 The costs associated with the selection of a Mayor and Deputy Mayor will be met from within existing budgets.

9. Legal Implications

- 9.1 The Council is required annually to elect a Mayor and appoint a Deputy Mayor in accordance with Sections 3 and 5 respectively of the Local Government Act 1972. The Local Government Act 2000 also provides that the Council's chairman or vice-chairman (the Mayor and Deputy Mayor) cannot serve on the Executive at the same time.

10. Human Resources Implications

- 10.1 There are no human resource implications arising from this report.

11. Background Papers

None

12. Appendices

None

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Guildford and Waverley Borough Councils

Report to: Council

Date: 23 January 2024

Ward(s) affected: N/A

Report of Director: Transformation & Governance

Author: Jon Formby

Tel: 01483 523499

Email: jon.formby@waverley.gov.uk

Report Status: Open

Appointment of Interim Joint Chief Executive and Head of Paid Service

1. Executive Summary

- 1.1 Section 4 of the Local Government and Housing Act 1989 requires a local authority to designate one of their officers as the Head of Paid Service. Pedro Wrobel, the new Chief Executive will take up this role from Monday 8 April 2024, However, for the period between 9 February, when Tom Horwood leaves, and 8 April both Councils will need to designate another individual as the interim Joint Chief Executive and Head of Paid Service.
- 1.2 This report sets out the approach that has been followed in respect of the appointment of an interim Joint Chief Executive and Head of Paid Service to cover this role between 9 February and 8 April 2024.
- 1.3 The Leaders of Guildford and Waverley Borough Councils invited expressions of interest from the current Joint Strategic Directors in respect of covering the interim role of Joint Chief Executive and Head of Paid Service for both authorities. The deadline set for receipt of expressions of interest was Thursday 11 January 2024.

1.4 At its meeting held on 15 January 2024, the Joint Appointments Committee (JAC) considered the expressions of interest put forward from two of the Joint Strategic Directors and conducted interviews with them. Details of the JAC's formal recommendation to both councils in this regard¹ will be circulated to all councillors. Any formal offer of appointment is subject to no material or well-founded objection being made by either of the two Council Leaders on behalf of their respective Executives in accordance with the provisions of Paragraph 5 of Part II of Schedule 1 to the Local Authorities (Standing Orders) (England) Regulations 2001.

2. Recommendation to Council

2.1 This Council (and Waverley Borough Council) will be asked to consider the recommendation of the JAC, following its meeting on 15 January 2023 for an appointment to the role of interim Joint Chief Executive and Head of Paid Service, which will be made subject to the agreement of both councils and to no material or well-founded objection being made by either of the two Council Leaders on behalf of their respective Executives.

3. Reasons for Recommendation:

3.1. To appoint an interim Joint Chief Executive and Head of Paid Service, as part of the agreed collaboration arrangements between Guildford and Waverley Borough Councils to ensure compliance with the requirements of Section 4 of the Local Government and Housing Act 1989.

4. Exemption from publication

4.1 The content of **Appendix 1** (the expression of interest from the JAC's preferred candidate) is to be treated as exempt from the Access to Information publication rules because the process for candidate selection will involve the disclosure, or likely disclosure of personal information about the candidates and is therefore exempt from

¹ extraordinary meetings of both councils are scheduled to take place on 23 January 2024 at Guildford and 24 January 2024 at Waverley

publication by virtue of paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972 as follows:

(1) "Information relating to any individual".

- 4.2 The content is restricted to councillors.
- 4.3 It is not anticipated that the exempt information can be expected to be made available for public inspection.
- 4.4 The decision to maintain the exemption may be challenged by any person at the point at which the Council may be invited to pass a resolution to exclude the public from the meeting to consider the exempt information.

5. Purpose of Report

Following the resignation of Tom Horwood as the Joint Chief Executive/Head of Paid Service and prior to the appointment of Pedro Wrobel as the Joint Chief Executive/Head of Paid Service the JAC, at its meeting held on 15 January 2024, was invited to consider the expressions of interest from the candidates and agree a recommendation in respect of the formal appointment of an interim Joint Chief Executive/Head of Paid Service.

- 5.2 The JAC's role, as set out in its terms of reference, is:

"Adopting and exercising such of the functions of Guildford Borough Council and Waverley Borough Council ("the councils") as can be delegated by those councils in respect of the appointment of the councils' Joint Chief Executive/Head of Paid Service and any Joint Statutory Officer and Director posts as are covered by the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended) or any successor regulations."

6. Strategic Priorities

- 6.1 The interim Joint Chief Executive/ Head of Paid Service plays a pivotal role in the delivery of Guildford and Waverley Borough Councils'

aspirations set out in the respective Corporate Plan and Corporate Strategy.

7. Background

7.1. The requirement for an interim Joint Chief Executive/Head of Paid Service has occurred due to there being a gap between the departure of current Joint Chief Executive/Head of Paid Service, Tom Horwood on Friday 9 February and the start date of the new Joint Chief Executive/Head of Paid Service, Pedro Wrobel on Monday 8 April 2024.

7.2. The process for the appointment of the interim Joint Chief Executive and Head of Paid Service is set out below:

- Consideration was given to the approach required by the Leaders of the Councils should an interim Joint Chief Executive/Head of Paid Service be required.
- It was decided that due to the short period of cover required it did not make operational or financial sense to appoint an external interim Joint Chief Executive/Head of Paid Service.
- It was decided to invite expressions of interest from the current Strategic Directors to cover the interim role of Joint Chief Executive/Head of Paid Service.

8. Financial Implications

8.1 Under the collaboration agreement, the cost of employing a Joint Chief Executive/Head of Paid Service is split equally between the two councils, with Waverley being the employing council.

8.2 The appointed candidate to the role of Interim Joint Chief Executive/Head of Paid Service will receive an honorarium payment equivalent to the difference between their salary and that of the Joint Chief Executive/Head of Paid Service for the two-month period of cover.

9. Legal Implications

9.1 The Local Authorities (Standing Orders) (England) Regulations 2001 Schedule 1 Part II paragraph 4(1) as amended ('the Regulations')

state that the function of the appointment of an authority's head of paid service must be exercised by the authority (that is, its full Council) before an offer of appointment is made. In this regard, meetings of the full Council of both authorities must confirm the appointment of the interim Joint Chief Executive/Head of Paid Service role before an offer of appointment is made.

- 9.2 The offer of appointment as interim Joint Chief Executive/Head of Paid Service may only be made where no well-founded objection has been made by the Leaders of both councils on behalf of their respective Executives, with the ability to raise an objection being limited to members of the Executive via the Leader, in accordance with the provisions of Schedule 1 Part II paragraph 5 of the Regulations. Details of whether any such objection has been received will be confirmed before the extraordinary Council meeting.

10. Human Resource Implications

- 10.1 The interim Joint Chief Executive/Head of Paid Service is the most senior officer appointment and leads the strategic Joint Management Team at Guildford and Waverley Borough Councils.

11. Equality and Diversity Implications

- 11.1 Equality impact assessments are carried out when necessary to ensure service delivery meets the requirements of the Public Sector Equality Duty under the Equality Act 2010. There are no immediate equality, diversity, or inclusion implications in this report's recommendations. Impact assessments may be required as further collaboration proposals are developed and implemented and will be reported as appropriate.

12. Climate Change/Sustainability Implications

- 12.1 The climate change emergency declaration and the urgent target for net zero carbon by 2030 is a critical objective for both councils. While no specific impacts on the climate emergency declaration have been identified as a consequence of this report's recommendations, the Councils will be assessing and prioritising the environmental, climate and carbon impacts of any proposals that emerge.

13. Background Papers

None

14. Appendices

Appendix 1: Expression of Interest from the JAC's preferred candidate
[EXEMPT] – to follow